

TOP 5 TAKEAWAYS IF SCOTUS RULES IN FAVOR OF *JANUS*:

- Free millions of workers – public school teachers included ? 3 from compelled association—a clear violation of the First Amendment
- Millions of workers will no longer be compelled to pay union fees when opting out of union representation
- In addition to more take-home pay, teachers will have more freedom to innovate when opting out of mandated association with teachers' unions
- A pro-Janus ruling will have no impact on the ability for unions to organize and function
- The union-employee relationship should improve as unions will demonstrate their value to existing and future members

The case has been winding its way through Federal courts since early 2015 and was stayed pending an outcome in *Friedrichs v. California Teachers Association*, a case that was deadlocked 4-4 after the tragic passing of Justice Antonin Scalia. While the *Janus* case was initially dismissed by U.S. District Court after that *Friedrichs* ruling, the employees, backed by the National Right to Work Foundation, appealed to the 7th U.S. Circuit Court of Appeals in October 2016 which, as expected, upheld the lower court's decision – paving the way for an appeal to the U.S. Supreme Court. On June 6, 2017, a petition for Writ of Certiorari was filed and later accepted by SCOTUS. Now the 40-year old ruling in *Abood v. Detroit Board of Education* which created the current system allowing mandatory fees paid to public unions could very well be overturned.

It's important to note that the case started with an executive order issued by Illinois Governor Bruce Rauner, who sought to abolish mandatory collective bargaining pending review of its constitutionality. Since 2012, six states have passed laws strengthening workers' rights and freedom from having to pay

mandatory union fees. What is most notable is at least three of these states are “blue-to-purple” states with historic ties to organized labor, including Michigan, Wisconsin and West Virginia. Following these laws, teachers’ union membership dropped 20% in Michigan and 58% in Wisconsin. More state policymakers throughout the country are focused on the upcoming *Janus* case review. With teachers’ union-driven pension rules and union-backed laws that protect uniform pay scales, eschew performance pay and mandate teacher tenure, the elimination of mandatory fees could impact the unions’ ability to wage political battles to defend their turf and oppose proposals that put student achievement and parental choice at the center of every education improvement effort.

CER believes that the *Janus* case holds great potential for employees and could dramatically improve union-employee relationships. Overturning *Abood* will allow for teachers to associate as they see fit, providing teachers more freedom and independence to better serve their students. This will not bar union organizing but ensure unions prove their value to each member. Unions should celebrate the opportunity to prove their value to employees rather than relying on mandatory fees.

Instead, it is evident by the recent teachers’ union attacks on education reform that the unions fear the freedom *Janus* may bring to teachers, particularly as their funds are declining. Randi Weingarten, president of the American Federation of Teachers, the nation’s second-largest teachers’ union, has also scoffed at the idea that teachers are entitled to the same First Amendment rights as other employees.

Historically, public support for mandatory agency fees is low, and most Americans are unaware that teachers are pressured to join unions and forced to pay union fees even when they decline to join. A June 2017 survey by Education Next found that teachers oppose mandatory fees 47% to 44%, while the general public is 44% to 37% opposed.

As the public’s attention turns to *Janus v. AFSCME*, it is important to note that this case is bigger than one public employee or one union – this case could improve

the learning experience for students by dramatically empowering teachers nationwide, and change the course of American education.

Members of the media interested in writing about this in any aspect, CER's team can provide insights and commentary, and connect reporters with parents, teachers and those on the ground who will be most affected by the outcome of the case.

MEDIA CONTACT: Tim Sullivan, *Chief Communications Officer*
tim@edreform.com | (443) 532-2445

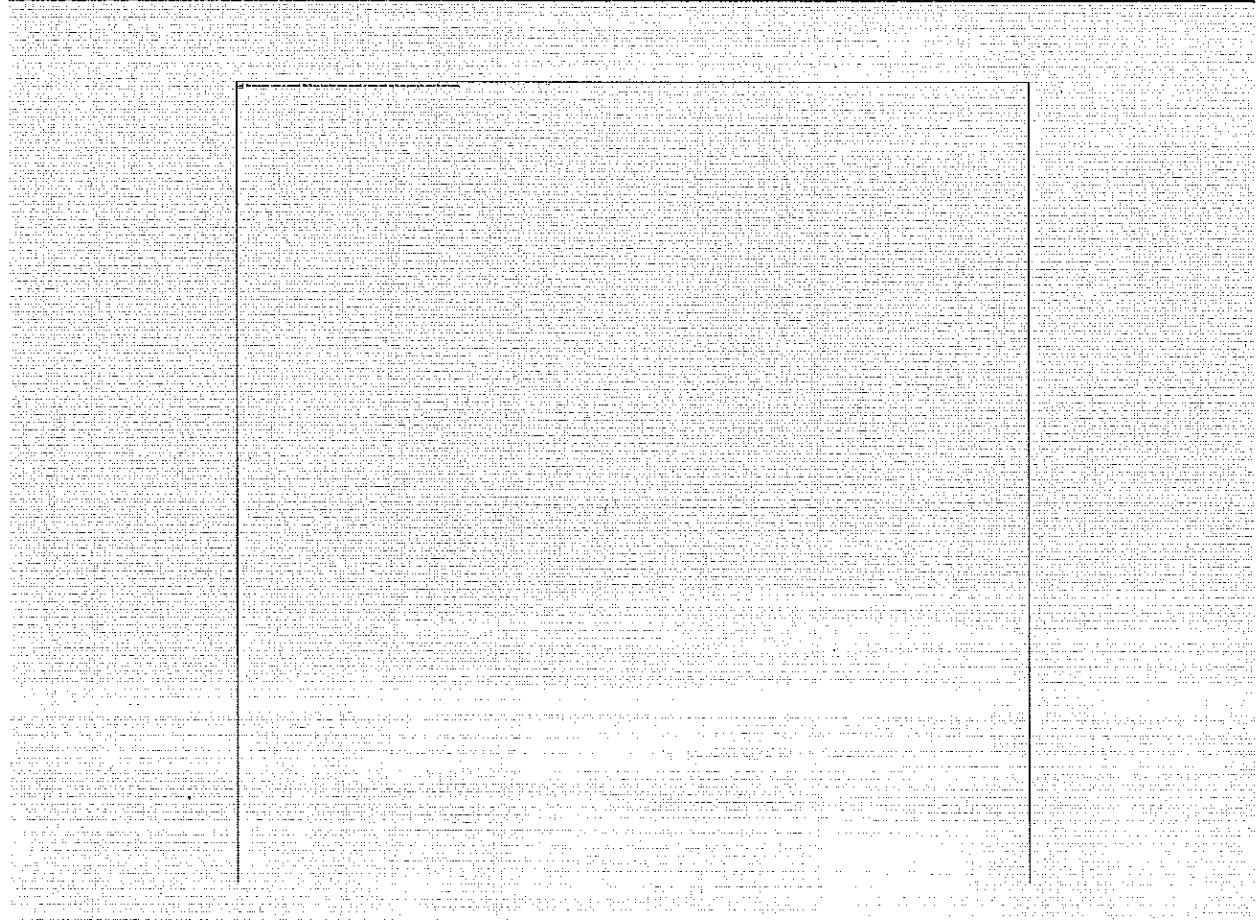
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Sent: Thursday, October 5, 2017 9:19 AM
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Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Rep. Tim Murphy Won't Seek Re-election Next Year
Attachments: ATT00001.txt; ATT00002.htm



By Eli Yokley

Top Stories

- Rep. Tim Murphy (R-Pa.), a member of the House Pro-Life Caucus, said he will not seek re-election next year. The announcement came shortly after publication of a news report that said Murphy urged a woman, with whom he was having an extra-marital relationship, to get an abortion. ([Pittsburgh Post-Gazette](#))
 - Key Republican senators, including John Cornyn (Texas) and John Thune (S.D.), said they are open to legislation that would ban the "slide fire" devices known as bump stocks, which were reportedly used in the Las Vegas shooting. Sen. Dianne Feinstein (D-Calif.) introduced the bill with the backing of several Senate Democrats. ([Politico](#))
 - Senate Foreign Relations Committee Chairman Bob Corker (R-Tenn.) said Secretary of State Rex Tillerson, Defense Secretary James Mattis and White House Chief of Staff John Kelly "help separate our country from chaos," an apparent jab at President Donald Trump. Following news reports of conflict between Tillerson and Trump, Corker said Tillerson is "without the support and help that I'd like to see him have." ([CNN](#))
 - Robert Mueller, the special counsel investigating Russia's influence on the 2016 U.S. presidential election, is looking into former British intelligence officer Christopher Steele's dossier that included allegations of Russian links to Trump's campaign and his associates. Steele has not spoken with the Senate Intelligence Committee, whose leaders provided an update Wednesday on their Russia investigation. ([Reuters](#))
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Chart Review

Mass shootings: How U.S. gun culture compares with the rest of the world

The Washington Post

HOW THE U.S. COMPARES TO THE OTHER DEVELOPED COUNTRIES IN GUN OWNERSHIP

Guns per 100 people



Events Calendar (All Times Local)

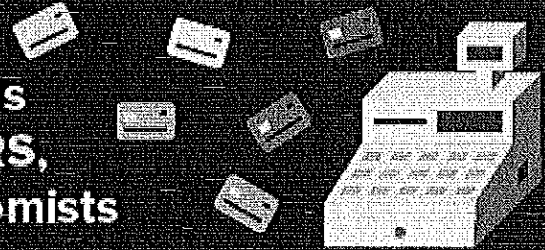
THURSDAY

Sen. Cotton speaks at Washington Post event	9 a.m.
House Financial Services Committee hearing on Equifax breach	9:15 a.m.
Chairman of Council of Economic Advisers speaks at Tax Policy Center event	9:30 a.m.
Senate Budget Committee markup of fiscal year 2018 budget resolution	10:30 a.m.
Charles Koch speaks at Good Profit Conference	12 p.m.
Peterson Institute event on global economic prospects for 2017	12:15 p.m.
BPC event on Turkish relations	2 p.m.

FRIDAY

No events scheduled

Who are the Durbin amendment's price controls hurting most? CONSUMERS, say Federal Reserve economists



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General

3 Green Berets killed in ambush in Niger

Barbara Starr et al., CNN

Three Green Berets were killed and two others were wounded in southwest Niger near the Mali-Niger border when a joint US-Nigerien patrol was attacked Wednesday, officials told CNN. Two administration officials said the wounded US troops had been evacuated to the capital, Niamey, and would soon be moved to Germany.

Hurricane Damage in Puerto Rico Leads to Fears of Drug Shortages Nationwide

Kate Thomas and Sheila Kaplan, The New York Times

Federal officials and major drugmakers are scrambling to prevent national shortages of critical drugs for treating cancer, diabetes and heart disease, as well as medical devices and supplies, that are manufactured at 80 plants in hurricane-ravaged Puerto Rico. Pharmaceuticals and medical devices are the island's leading exports, and Puerto Rico has

become one of the world's biggest centers for pharmaceutical manufacturing.

**Ex-Trump adviser Paul Manafort conspired to mislead
bankruptcy court, son-in-law charges**
Kevin McCoy and Brad Heath, USA Today

As federal authorities investigate former Trump campaign chairman Paul Manafort's controversial ties to Russia, his estranged son-in-law is accusing him of conspiring to mislead a federal bankruptcy court about real estate investments. Jeffrey Yohai made the allegation on Sept. 28, in a case that centers on four troubled California real estate investments that collectively total millions of dollars.

**Ivanka and Donald Trump Jr. Were Close to Being Charged
With Felony Fraud**
Jesse Eisinger et al., ProPublica and WNYC

New York prosecutors were preparing a case. Then the D.A. overruled his staff after a visit from a top donor: Trump attorney Marc Kasowitz.

Presidential

**'Trump dossier' on Russia links now part of special counsel's
probe: sources**
Mark Hosenball, Reuters

The special counsel investigating whether Russia tried to sway the 2016 U.S. election has taken over FBI inquiries into a former British spy's dossier of allegations of Russian financial and personal links to President Donald Trump's campaign and associates, sources familiar with the inquiry told Reuters. A report compiled by former MI6 officer Christopher Steele identified Russian businessmen and others whom U.S.

intelligence analysts have concluded are Russian intelligence officers or working on behalf of the Russian government.

NATO to Increase Counterterrorism Funding in Line With Trump Agenda

Julian E. Barnes, The Wall Street Journal

The U.S. has reached an agreement with holdout France to increase NATO funding for counterterrorism programs, clearing a significant obstacle to the Trump administration's agenda for the alliance. Under the deal, allied diplomats said, the North Atlantic Treaty Organization's total budget, now \$1.6 billion, will rise next year by roughly 1%.

The Trump administration has already been rolling back gun regulations

Beth Reinhard and Sari Horwitz, The Washington Post

Donald Trump campaigned as a fierce defender of the Second Amendment and the favored candidate of the National Rifle Association, vowing to undo any actions by President Barack Obama on gun control. But when Trump nixed one of Obama's most significant efforts to expand background checks on prospective gun buyers, he did so without fanfare.

Trump Speaks and a \$3.8 Trillion Market Hears an Existential Threat

Brian Chappatta, Bloomberg

Even before Wall Street awoke, Wednesday looked like a wild day for the nation's \$3.8 trillion municipal-bond market. Few might have predicted just how wild things would get.

Senate

Key GOP senators open to 'bump stock' ban
John Bresnahan et al., Politico

Top-Senate Republicans said Wednesday they are open to considering legislation banning devices that were reportedly used to gun down scores of people in the worst mass shooting in modern American history. Bump stocks - also known as "slide fire" devices, which work by rapidly "bumping" the trigger of a semi-automatic weapon to boost the rate of fire - were reportedly used by Stephen Paddock to kill 58 people and wound more than 500 in Sunday's Las Vegas massacre.

Corker: Tillerson, Mattis and Kelly 'separate our country from chaos'
Sophie Tatum, CNN

Tennessee Sen. Bob Corker said Wednesday that Secretary of State Rex Tillerson, Defense Secretary James Mattis and White House Chief of Staff John Kelly "help separate our country from chaos." "I think Secretary Tillerson, Secretary Mattis, and Chief of Staff Kelly are those people that help separate our country from chaos, and I support them very much," the Republican chairman of the Senate foreign relations committee told reporters Wednesday on Capitol Hill.

Key Senator Lays Out a Path for Trump on Iran Nuclear Deal
Kambiz Foroohar, Bloomberg

A key U.S. senator long opposed to the 2015 nuclear agreement with Iran offered a path for President Donald Trump to distance himself from the accord without immediately quitting it, imposing new sanctions or carrying out military action. Arkansas Republican Tom Cotton, a member of the Armed Services Committee, said Trump should "decertify" Iran's compliance with the agreement in a report required by Congress every 90 days and next due on Oct. 15.

Koch-backed group targets red-state Dems on tax reform
Jonathan Easley, The Hill

The fiscally conservative advocacy group Americans for Prosperity (AFP) is putting millions of dollars behind an ad-buy pressuring red-state Democrats up for reelection in 2018 to support the GOP's tax reform proposals. AFP, which is backed by billionaire Republican donors Charles and David Koch, has purchased \$4.5 million of air-time in three states, calling on Democratic Sens. Claire McCaskill (Mo.), Tammy Baldwin (Wis.) and Joe Donnelly (Ind.) to support a tax code overhaul.

Roy Moore's Facebook page shared inflammatory memes, article praising Russia's anti-gay laws
Andrew Kaczynski and Nathan McDermott, CNN

The Facebook page belonging to Roy Moore, the Republican nominee for US Senate in Alabama, in February included a shared image of a group of black men standing on a destroyed police car during the 2015 Baltimore riots. Overlaying the image was text that read, "Want to stop riots? Play the National Anthem. They'll all sit down."

Roy Moore's disruption of Washington has already begun, and more is on the way
Sean Sullivan, The Washington Post

Roy Moore didn't travel to Washington on Wednesday to kiss and make up with the Republican leaders who opposed his nomination to fill the Senate seat formerly held by Attorney General Jeff Sessions. He came to continue the revolt.

As Messer and Rokita Squabble, Third GOP Indiana Senate Hopeful Sees Opening
Griffin Connolly, Roll Call

As Indiana Reps. Luke Messer and Todd Rokita try to out-insult each other in the Republican primary for the 2018 Indiana Senate race, a third

candidate seeks to quietly bypass the kerfuffle en route to the GOP nod. State Rep. Mike Braun has flooded his war chest with nearly \$800,000 of his own money and raised \$200,000 more, mostly from business associates of his automotive supply business.

Schumer to visit WV for fundraiser
Jake Zuckerman, Charleston Gazette-Mail

One of the highest ranking congressional Democrats will visit West Virginia in November for a fundraiser hosted by the state Democratic Party. Senate Minority Leader Chuck Schumer, D-N.Y., will attend the annual dinner on Nov. 3 at the Charleston Civic Center, according to a news release from the party.

House

Rep. Tim Murphy announces he will not seek re-election
Tracie Mauriello and Chris Potter, Pittsburgh Post-Gazette

Congressman Tim Murphy announced Wednesday that he will not seek re-election. "After discussions with my family and staff, I have come to the decision that I will not seek reelection to Congress at the end of my current term," the Upper St. Clair Republican said in a statement.

Bannon Backs Grimm, Ex-Congressman and Felon, in G.O.P. Challenge
Shane Goldmacher, The New York Times

Michael Grimm, who is trying to win back his old House seat after serving time in federal prison, secured a notable new supporter on Wednesday: Stephen K. Bannon, President Trump's former chief strategist, who has sought to bolster the candidacies of populist outsiders since leaving the White House. The two met at Mr. Bannon's Capitol Hill townhouse on Wednesday afternoon, three days after Mr. Grimm

announced he was challenging Representative Dan Donovan of Staten Island for the Republican nomination in New York City's last G.O.P.-held congressional seat.

**South Carolina Democrat Archie Parnell Making 2018
Announcement**
Simone Pathé, Roll Call

South Carolina Democrat Archie Parnell is set to make a "major announcement" on Oct. 9 in his hometown of Sumter about his 2018 plans, raising the likelihood that he will make another run for the Palmetto State's 5th District. Parnell will also appear at a kickoff event for the York County Democratic Party in Rock Hill the same day.

States

**Democrat Northam leads Republican Gillespie in race for
Virginia governor, new poll finds**
Gregory S. Schneider and Scott Clement, The Washington Post

A relatively unified party base gives Democrat Ralph Northam a clear lead over Republican Ed Gillespie heading into the final month of the Virginia governor's race, according to a new Washington Post-Schar School poll. Northam leads Gillespie by 53 percent to 40 percent among likely voters, with 4 percent supporting Libertarian Cliff Hyra.

School bullies could face criminal charges under Ohio bill
Jessie Balmert, Cincinnati Enquirer

School bullies who repeatedly torment their victims would face criminal charges under a new proposal from a Democratic lawmaker. Bullying can lead to violence, retaliation and even suicide, said Sen. Sandra Williams,

D-Cleveland, who said she recently intervened when a relative was repeatedly bullied at school.

Missouri's Greitens Campaigns for Fellow Republicans
The Associated Press

Missouri Gov. Eric Greitens is traveling to Virginia to support fellow Republican Ed Gillespie's campaign for governor. Greitens' spokesman Parker Briden on Wednesday confirmed the first-time elected official's attendance as the featured speaker at the early Thursday event.

NC House wants to examine MLS stadium idea. A Senate leader isn't sold

Paul A. Specht, The News & Observer

Two months after a soccer franchise owner announced his hopes to build a stadium on state-owned land in downtown Raleigh, state leaders are responding with proposed legislation. The North Carolina Football Club, which wants to jump from a second-tier league to Major League Soccer, in July unveiled a proposal to build a \$150 million stadium and entertainment complex at the corner of Salisbury and Peace streets in downtown Raleigh.

Advocacy

Facebook fights back

David McCabe and Sara Fischer, Axios

Facebook is stepping up its offensive to respond to questions about the role it played in Russian meddling in the 2016 presidential election. The moves come as it prepares to testify on Capitol Hill.

Reddit hires first lobbyists **Harper Neidig, The Hill**

The message board site Reddit has hired its first federal lobbyists, according to disclosure forms obtained this week. The move comes while lawmakers are increasingly scrutinizing web platform use by political entities.

The UAE Secretly Picked Up the Tab for the Egyptian Dictatorship's D.C. Lobbying **Zaid Jilani, The Intercept**

When Egypt went to work to establish the credibility of its repressive government in Washington, it had help from the United Arab Emirates Ambassador to the United States, Yousef Al Otaiba. Emails obtained by The Intercept show that Otaiba and the UAE essentially picked up the tab for Egypt's lobbyists in Washington, D.C.

A Message from the Electronic Payments Coalition:

The evidence is mounting: There are now at least a dozen studies that illustrate the failure of the Durbin amendment. In fact, a recent paper from Federal Reserve economists provides empirical evidence of harm to the consumer. Get the facts from the Electronic Payments Coalition.

Opinions, Editorials and Perspectives

The Gun Control Mirage **The Editorial Board, The Wall Street Journal**

Stephen Paddock's motives for his murderous rampage in Las Vegas on Sunday still aren't known, and neither are all the details of his plans and methods. But since our friends on the left have decided to make this a

debate over gun control, someone has to explain why their familiar solutions won't stop mass shootings.

Donald Trump's Foreign Policy Circus
The Editorial Board, The New York Times

Another day, another embarrassing foreign policy circus in the nation's capital that can only further erode trust in American leadership at home and abroad. At its center is Rex Tillerson, who traded his job as top dog at the oil giant ExxonMobil to become secretary of state, only to find himself substantively and personally undercut by President Trump as recently as Sunday on the issue of Korea, where Mr. Tillerson wanted negotiations as Mr. Trump threatened war.

This GOP tax proposal isn't fair. Here's what would be.
Editorial Board, The Washington Post

Gary Cohn, a Trump administration cheerleader for tax reform, said recently that the administration is "trying to get rid of all of the loopholes and all of the deductions that mostly wealthy people use." Unfortunately, that is not the case.

Election Officials Attacked From All Sides on Purging Voter Rolls
Rebecca Beitsch, The Pew Charitable Trusts

Local and state election officials have long faced the difficult task of facilitating one of democracy's central tenets: figuring out who to take off outdated voter rolls without disenfranchising eligible voters. Increasingly, though, officials find themselves caught in the middle as competing interest groups from the right and left work - often through the court system - to influence how thousands of local election officials do their jobs.

A Message from the Electronic Payments Coalition:

In a [recent paper](#), Federal Reserve economists confirm what many industry experts have said before: The Durbin amendment harms consumers. There are now at least a dozen studies that illustrate why this failed policy must be repealed. [Learn the truth](#) from EPC.

Research Reports and Polling

Disaster Relief: America's Response to Recent Hurricanes **The Associated Press and NORC**

In the aftermath of the recent devastating hurricanes about half of Americans approve of how President Trump has handled disaster relief for the victims within the United States, but just a third approve of his response to those impacted in the U.S. territories, according to a new poll by The Associated Press-NORC Center for Public Affairs Research. Nearly half disapprove of his handling of disaster relief in Puerto Rico and the U.S. Virgin Islands.



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the leaflet

Weekly policy updates from
THE HEARTLAND INSTITUTE 

Special Invitation: 2017 Emerging Issues Forum

*"Absolutely one of the best forums I have attended."
-- Tennessee State Representative Sheila Butt*

The Heartland Institute would like to invite you to its 2017 Emerging Issues Forum and America First Energy Conference, which will be held November 7-9 at the J.W. Marriott Hotel in Houston, Texas.

The Emerging Issues Forum (EIF) will look to the future and explore state public policies in the areas of economics, education, health care, and more. Immediately following EIF, Heartland will host the America First Energy Conference. This event will examine President Donald Trump's bold proposal to transform the United States' energy goals beyond mere energy independence and determine where America stands today in the global energy market.



During these two conferences, elected officials, policy analysts, and government affairs professionals from more than 25 states will convene in Texas to explore innovative solutions to the top policy issues facing the states in 2018 and beyond.

Admission is free for elected officials and legislative staff. Registration includes admission to the forum and conference. The Heartland Institute also has a limited number of travel scholarships and complimentary accommodations at the host hotel still available for state lawmakers who become members of Heartland's Legislative Forum. If you are not currently a member of the Legislative Forum, membership is only \$99 for two years and \$179 for a lifetime - it pays for itself!

Below is just a small sample of what will be covered at the events:

Health Care. There are many steps states can take to encourage competition and reduce the cost of health care, despite federal inaction on Obamacare. Solutions that will be discussed include how states can use the waiver process to get more flexibility from federal Obamacare and Medicaid requirements. The panel will also discuss certificate of need laws, dental health care, and direct primary care.

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Budget and Tax. In recent months and years, some states have been passing right-to-work laws, lowering taxes, and reforming their public pension systems, while others have been increasing taxes and adding regulations. This panel will discuss which policies are working and which are failing.

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Education. Education outcomes in America continue to lag compared to other industrialized nations, but educational choice options such as education savings accounts and charter schools continue to expand in many states. This panel will analyze the roadblocks to transforming education and offer solutions for how states can expand education freedom for parents everywhere.

To reserve your place at the events or to join the Legislative Forum, contact Government Relations Coordinator Arianna Wilkerson at 312/377-4000 or by email at awilkerson@heartland.org.

See you in November!

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WHAT WE'RE WORKING ON

Health Care

Research & Commentary: Dental Therapy Would Help with Michigan's Dentist Shortage

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines a new proposal offered in Michigan to improve access to dental care by expanding the role of dental therapists. "Allowing dental therapists to practice in more states would help to close gaps in dental care access and



ensure patients receive preventive and restorative treatments when and where they need them,” wrote Glans.

Budget & Tax

WI State Rep. Rob Hutton: Prevailing Wage Repeal Protects Local and State Taxpayers

In this episode of the weekly *Budget & Tax News Podcast*, Managing Editor and Research Fellow Jesse Hathaway speaks with Wisconsin state Rep. Rob Hutton (R-Brookfield) about how Wisconsin lawmakers are protecting local and state taxpayers' money by including prevailing-wage repeal in the state's biennial budget bill. \propto Prevailing-wage laws require government agencies to regulate the compensation given to workers on government capital projects, such as school construction and road repair, Hutton says, instead of allowing businesses to set their own pay rates according to true market value.”

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Education

Research & Commentary: Strike Vouchers Would Help Keep Vermont Children in Classrooms During Teacher Walkouts

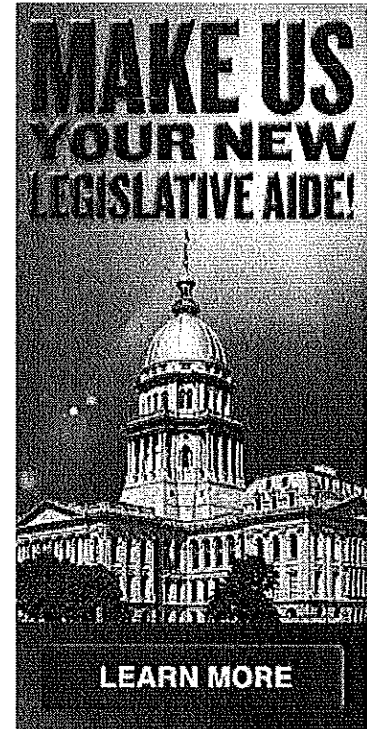
In this *Research & Commentary*, Tim Benson, a Heartland policy analyst, and Lennie Jarratt, project manager for Heartland's Center for Transforming Education, discuss a recent four-day strike by teachers in Burlington, Vermont. Benson and Jarratt argue their plan to implement strike vouchers and SOS accounts would help keep kids in the classroom during strikes and free as many families as possible from the constant tug-of-war occurring between teachers unions and school districts.

Energy & Environment

President Streamlines Infrastructure Construction

This story from *Environment & Climate News* discusses President Donald Trump's sweeping executive order that eliminates and streamlines some permitting regulations. By improving these processes, the construction of critical infrastructure - such as roads, bridges, and pipelines - will be sped up. The order establishes a “one federal decision policy,” under which a single lead federal agency will work with others to complete environmental reviews and permitting decisions. All federal permitting decisions will have to be made within 90 days. The plan also rolls back standards set by President Barack Obama that had required the federal government when building infrastructure projects to assume in its plans there will be climate change and sea-level rise in the future.

From Our Free-Market Friends



POLICY NEWSPAPER



The October 2017 issue of *Environment & Climate News* reports about the U.S. Court of Appeals for the District of Columbia ruling the Environmental Protection Agency exceeded its authority under the Clean Air Act. In a 2015 rule, EPA banned a number of hydrofluorocarbons (HFCs) and required companies to replace them with “greener” substances in their products. HFC manufacturers

Bold New Approaches Needed for Louisiana


Daniel Erspamer, CEO of the Pelican Institute for Public Policy, recently wrote in *The Advocate* about the unemployment and income growth problems facing Louisianans and the pro-growth solutions that can solve them. Louisiana is one of four states that experienced a decline in median household income from 2015 to 2016, and it has one of the highest unemployment rates in the country. Erspamer calls for a transformation of the state's government, which continues to overspend, overtax, and overregulate. Pro-growth solutions include eliminating burdensome red tape, expanding education choice, and reforming the state's judicial system.

successfully argued in court the EPA could not lawfully implement such ban.

Budget & Tax News

Health Care News

School Reform News

	<h3>The Heartland Institute</h3> <p>The Heartland Institute is a 33-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.</p>	<h3>Our Websites</h3> <p><u>The Heartland Institute</u> <u>PolicyBot</u> <u>The Freedom Pub</u> <u>The Parent Trigger</u> <u>Climate Conference</u></p> <p>= 9</p>
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Arlington Heights, IL 60004

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From: Shane Easthom
Sent: Tuesday, October 10, 2017 2:07 PM
To: Rep93
Subject: Please Oppose House Bill 298

Ryan Smith,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

House Bill 298 takes language straight from Senate Bill 5 dealing with sick time and tries to pass it as a standalone. Senate Bill 5/ Issue 2 was soundly defeated in 2011 by Ohioans who believe that collective bargaining shouldn't be restricted by politicians in Columbus.

I am making sure that your constituents know the truth- that this is just the first step in trying to limit what we can collectively bargain for. Today, it's about sick time; tomorrow it's about how we collectively bargain over pay, safety in the workplace and the how we grieve unfair working conditions. Please help me fight back against attempts to silence my voice at the workplace by opposing House Bill 298.

We didn't send you to Columbus to limit our voice at the workplace. We elected you to stand up and speak for us, create good jobs in your district and raise everyone's wages. Please tell Representative Merrin that you are not interested in making it harder for your constituents to collectively bargain for a better life and that you are opposed to House Bill 298.

Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Shane Easthom

easthom99@hotmail.com

396 county road 70 lot 37

Proctorville , Ohio 45669

From: Rick Lundy
Sent: Tuesday, October 10, 2017 5:13 PM
To: Rep93
Subject: Please Oppose House Bill 298

Ryan Smith,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

House Bill 298 takes language straight from Senate Bill 5 dealing with sick time and tries to pass it as a standalone. Senate Bill 5/ Issue 2 was soundly defeated in 2011 by Ohioans who believe that collective bargaining shouldn't be restricted by politicians in Columbus.

I am making sure that your constituents know the truth- that this is just the first step in trying to limit what we can collectively bargain for. Today, it's about sick time; tomorrow it's about how we collectively bargain over pay, safety in the workplace and the how we grieve unfair working conditions. Please help me fight back against attempts to silence my voice at the workplace by opposing House Bill 298.

We didn't send you to Columbus to limit our voice at the workplace. We elected you to stand up and speak for us, create good jobs in your district and raise everyone's wages. Please tell Representative Merrin that you are not interested in making it harder for your constituents to collectively bargain for a better life and that you are opposed to House Bill 298.

Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Rick Lundy
rick_lundy@ymail.com
403 Riegel Ridge Rd
Jackson , Ohio 45640

From: Floyd Wright
Sent: Wednesday, October 11, 2017 10:16 PM
To: Rep93
Subject: Please Oppose House Bill 298

Ryan Smith,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

House Bill 298 takes language straight from Senate Bill 5 dealing with sick time and tries to pass it as a standalone. Senate Bill 5/ Issue 2 was soundly defeated in 2011 by Ohioans who believe that collective bargaining shouldn't be restricted by politicians in Columbus.

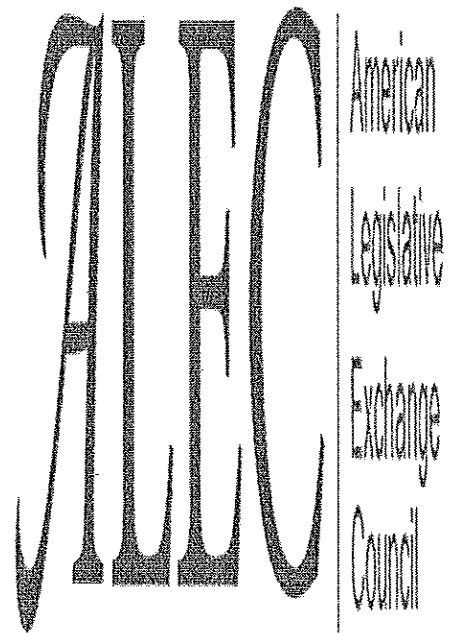
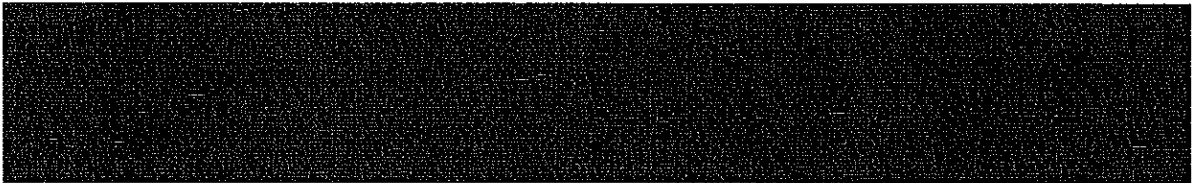
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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Floyd Wright
flyd_wrght@yahoo.com
511 Quail Creek Dr.
Gallipolis, Ohio 45631

From: Courtney Cook
Sent: Wednesday, October 18, 2017 11:24 AM
To: Rep93
Subject: Look who is joining us



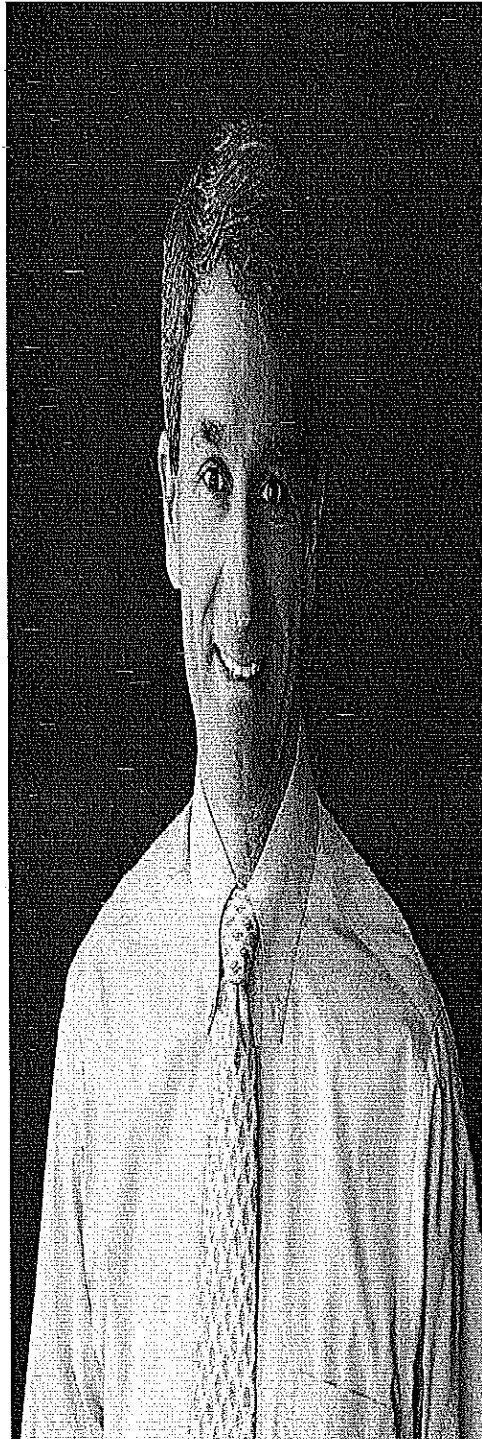
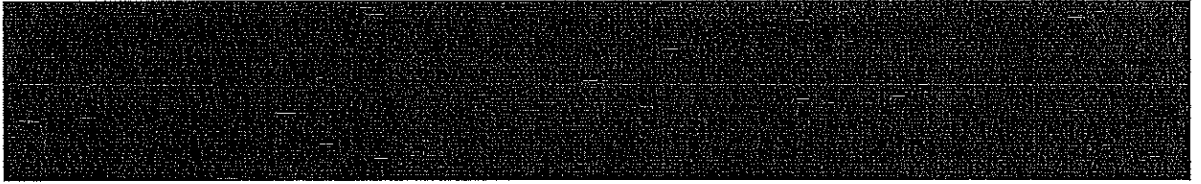
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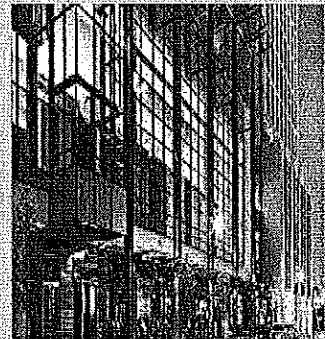
The Honorable Ken Cuccinelli



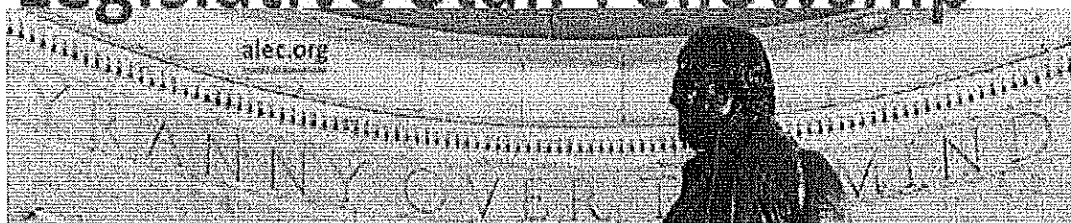
Learn from former Virginia Attorney General Ken Cuccinellie about how states can address the growing national debt. Grab a hearty breakfast, and be a part of the solution!

Have you made your hotel reservation?

Book your room now as our discounted rate of \$209 is selling out **QUICKLY!**



Legislative Staff Fellowship



**Only a few days left to have your staff take part in the Legislative Staff Fellowship.
Has your staff applied?**

The ALEC Legislative Staff Fellowship consists of a series of online educational sessions and a three-day program of training and networking with legislative staff members from around the country at the 2017 States and Nation Policy Summit. The purpose of the training is to promote professional development and philosophical ideals throughout their careers as legislative staffers.

Questions on applying? Contact [Lacey White](#) for more information.



This message was sent to rep93@ohiohouse.gov from CCook@alec.org

= A

Courtney Cook

ALEC

2900 Crystal Drive, 6th Floor

Arlington, VA 22202

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From: Nikki Comerford
Sent: Friday, October 20, 2017 5:19 PM
To: Rep93
Subject: Labor Reform Policy Forum

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THE HEARTLAND INSTITUTE
FREEDOM RISING



= A



Labor Reform Policy Forum

= 9

Please join [Americans for Prosperity-Columbus](#) and The Heartland Institute for their "Policy Brief: Labor Reform in 2017" event, which will be held on Thursday, November 2, from 6:00 p.m. – 8:00 p.m. in Columbus, Ohio.

What impacts do labor regulations have on Ohio's employees

and businesses? Which policies are working, and which are stifling growth? What changes need to take place to meet the needs of our modern labor force? We aim to answer these questions and more at the "Policy Brief: Labor Reform in 2017" event.



**AMERICANS FOR
PROSPERITY**

Americans for Prosperity-Columbus and The Heartland Institute will welcome Micah Derry, state director for Americans for Prosperity-Ohio, and Jesse Hathaway, research fellow for Heartland's Center on Budgets and Taxes, as guest panelists.

Our "Policy Brief" event series aims to update Ohioans on timely issues through bi-monthly discussions with policy experts. Attendees will have the opportunity to question speakers after each forum and network with other professionals throughout the evening.

[Register Now](#)

Future Events

Saturday, November 4
[Educational Freedom Tour- stop 2](#)
O'Fallon, IL

Thursday, November 9
[America First Energy Conference](#)
Houston, TX

Thursday, November 16
[Dan Pilla talks about his chapter in Heartland's new book *Patriot's Tool Box*](#)
Arlington Heights, IL

Thursday, December 7
[Educational Freedom Tour - stop 3](#)
Bettendorf, IA

Saturday, December 9
[Helping Students Understand the Constitution](#)
Arlington Heights, IL

Wednesday, December 13
Occupational Licensing

Arlington Heights, IL



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The Heartland Institute
3939 North Wilke Road | Arlington Heights | IL | 60004 | **312/377-4000**

Our events with activists and intellectuals are specifically designed to showcase freedom. We are close to your home with easy access and plenty of free parking, so we hope to see you at our Arlington Heights facility.

= A

This message was sent to **rep93@ohiohouse.gov** from **ncomerford@heartland.org**

Nikki Comerford
The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004

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From: Nikki Comerford

Sent: Saturday, October 21, 2017 9:26 AM

To: Rep93

Subject: WATCH LIVE TODAY AT 10AM (CT) THE EDUCATION FREEDOM TOUR KICK OFF EVENT

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THE HEARTLAND INSTITUTE
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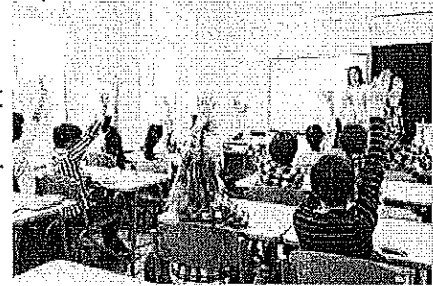
Education Freedom Tour Kickoff Event
Watch live at 10AM (CT)

Some of the issues that will be addressed:

- Why do your property taxes keep increasing?
- How is education funded in Illinois?

- Will the Chicago Public School District receive a state bailout?
- How can Illinois taxpayers fight to decrease property taxes?
- What is education freedom?
- Should parents be able to decide which school their child attends?
- What are the differences between public, private, and charter schools?
- What is the best way to implement education freedom: vouchers, education savings accounts, or tax-credit scholarships?

This event will help you learn more about education freedom and funding. After attending, you will be able to inform your family, friends, neighbors, legislators, school board members, and, most importantly, other parents about these significant issues.



Schedule:

- 10:15 am – Introduction of Heartland by Lennie Jarratt
- 10:20 am – Introduction of Americans for Prosperity
- 10:25 am – Andrew Nelms- Illinois property taxes
- 10:35 am – Representative Allen Skillicorn-Illinois property taxes and education choice
- 10:50 am – Lennie Jarratt-education choice
- 11:00 am – Panelist discussion
- 11:15 am – Audience Q & A

Watch live!

= 9

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This message was sent to rep93@ohiohouse.gov from ncomerford@heartland.org

Nikki Comerford

The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004

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Rep93

From: Public Policy Law360 <news-q@law360.com>
Sent: Tuesday, October 24, 2017 4:48 AM
To: Rep93
Subject: 'White Hats' Face Red Tape As Data Gets Deadlly

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PUBLIC POLICY

Artificial Intelligence Webinar

The impact of AI on the legal profession – Register Now

Tuesday, October 24, 2017

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Feature



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'White Hats' Face Red Tape As Data Gets Deadly

While the proliferation of things like internet-connected medical devices makes data security a matter of life and death, well-intentioned hackers who could ward off the next attack are hitting big institutional barriers. [Read more »](#)

TOP NEWS

Akin Gump Remains Leader In BigLaw Lobbying Revenue

Akin Gump Strauss Hauer & Feld LLP remains the leader in BigLaw lobbying revenues, raking in \$9.6 million for the third quarter of the year, followed by Brownstein Hyatt Farber Schreck LLP and Squire Patton Boggs LLP, according to figures reported by the firms. [Read more »](#)

Analysis

Federal Cooffers Vulnerable Under Global Minimum Tax Plan

A single word contained in a proposal to protect the U.S. tax base, under a Republican plan to exempt American companies' overseas profits from taxation, could actually encourage companies to move profits offshore and engage in aggressive tax planning strategies. [Read more »](#)

Analysis

Trump's ACA Requests Signal Doubt On Regulatory Powers

The Trump administration's newly released requests for legislative changes to the Affordable Care Act mirror changes floated in a recent executive order, potentially signaling doubts about the order's ability to effect changes via regulation, experts say. [Read more »](#)

NY Times Can't Get 'Olson Memo' On NSA Spying, Judge Says

A classified 1984 memo by then-U.S. Department of Justice official Ted Olson is protected by attorney-client privilege, a D.C. federal judge ruled Friday, shutting down efforts by The New York Times to obtain documents believed to underpin the National Security Agency's electronic spying activities. [Read more »](#)

Trump Vows Tax Plan Won't Lower 401(k) Contribution Limits

President Donald Trump on Monday said tax-free 401(k) contribution thresholds will not be changed as part of a push in Congress to overhaul the tax code, possibly short-circuiting a proposal by some Republican lawmakers before it even had a chance to get off the ground. [Read more »](#)

ENERGY & ENVIRONMENTAL

Everglades, Beaches Highlight Fla. Gov's \$1.7B Enviro Budget

Florida Gov. Rick Scott on Monday unveiled a proposed \$1.7 billion in funding for the environment that he intends to include in his 2018-19 recommended budget, including funding for the Everglades and springs restoration, the state's famed beaches, its state parks and land conservation acquisitions. [Read more »](#)

Honeywell, Others Tell DC Circ. To Rethink HFC Rule Decision

Honeywell International Inc., Chemours Co. FC LLC and the Natural Resources Defense Council on Monday insisted the D.C. Circuit reconsider its August invalidation of a U.S. Environmental Protection Agency rule forcing

Covington & Burling
Crowell & Moring
DAC Beachcroft
DLA Piper
Dawson Orr
Dentons
Freshfields
Gibson Dunn
Greenbaum Rowe
Greenberg Traurig
Haynes and Boone
Hogan Lovells
Holland & Knight
Irell & Manella
Jeeves Law
Jones Day
K&L Gates
Keker Van Nest & Peters
Kirkland & Ellis
Kobre & Kim
Lane & Waterman
Manko Gold
Mayer Brown
McDermott Will
McElroy Deutsch
McGuireWoods
Norton Rose Fulbright
Proskauer Rose
Reno & Cavanaugh
Sanford Heisler
Skadden
Squire Patton Boggs
Stroock & Stroock
Trucker Huss
Venable LLP
Williams & Jensen
Willkie Farr
de la Parte & Gilbert

COMPANIES

AAR Corporation
Abbott Laboratories
Adobe Systems Incorporated
Akamai Technologies, Inc.
American Bankers Association
American Bar Association

manufacturers to stop using hydrofluorocarbons, even if the EPA itself hasn't sought rehearing. [Read more »](#)

ATV 'Protest' Riders Lose Bid To Nix Convictions At 10th Circ.

A Tenth Circuit panel on Monday backed the convictions of two men who were briefly put in jail in connection with an all-terrain vehicle "protest" ride through a southeastern Utah canyon that the U.S. Bureau of Land Management had temporarily closed off to such vehicles. [Read more »](#)

Feds Defend Sage Grouse Flip In Enviros' Suit

Environmental groups relied on a faulty reading of a U.S. Fish and Wildlife Service decision to reverse course on a plan to designate the bi-state sage grouse as a threatened species when they challenged the decision, the agency told a California federal judge Friday in its move for a quick win in the groups' lawsuit. [Read more »](#)

HEALTH & LIFE SCIENCES

Fla. High Court Won't Take Up Health Records Fee Case

The Florida Supreme Court sided with the state Board of Medicine on Monday in finding that it does not have grounds to review a patient and a lawyer's challenge to a proposed rule change that would allow physicians to charge more for copies of patient records. [Read more »](#)

Judge Slams State Efforts To Block Trump's ACA Subsidy Cut

A California federal judge blasted 18 states' bid to block the Trump administration from cutting billions in Affordable Care Act subsidies, suggesting they were confusing consumers by "standing on the courthouse steps denouncing the president" even though they'd devised an "innovative" workaround that actually boosted coverage and meant there was no immediate harm. [Read more »](#)

Ex-State Dept. Official Denies That Menendez Made Threat

A former U.S. Department of State official cast doubt Monday on the government's allegation that Sen. Bob Menendez, D-N.J., threatened him during a 2012 meeting with a hearing on port security in the Dominican Republic, marking the second defense witness to undercut that claim at the bribery trial of the lawmaker and a Florida ophthalmologist. [Read more »](#)

MEDIA & ENTERTAINMENT

New TV Standard Must Be Laissez-Faire, Charter Tells FCC

Charter Communications Inc. and a trade group chaired by the telecom's CEO told the Federal Communications Commission on Friday that it should do all it can to promote a smooth and voluntary transition to the next-generation TV broadcasting standard. [Read more »](#)

Fla. Law Prof. Wants In On Sports Betting High Court Args

A Florida professor has implored the U.S. Supreme Court to consider all of its judicial options before ruling on a challenge to a federal sports betting ban, arguing that the justices need not touch the constitutional claims to rule in the case. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

DC Circ. Urged To Save Amtrak Metrics In Due Process Spat

American Intellectual Property Law Association
Amgen Inc.
Arkema SA
Associated Press
Association of American Railroads
Biogen Inc.
Center for Biological Diversity Inc.
Charter Communications Inc.
Chemours Co.
Chevron Corporation
Consumer Bankers Association
Electronic Frontier Foundation
Equifax Inc.
Ernst & Young
Facebook
Faculty Athletics Representatives Association
Financial Services Roundtable
General Electric Company
Google Inc.
Honeywell International Inc.
Hospira Inc.
IP Owners Association
Immunomedics, Inc.
International Business Machines Corporation
Johnson & Johnson
Kaspersky Lab Ltd.
Major League Baseball Inc.
Medtronic Inc.
Merck KGaA
NFL Enterprises LLC
National Basketball Association
National Collegiate Athletic Association
National Hockey League
Natural Resources Defense Council
New York Times Co.
New York University
Northeastern University
Oracle Corp.
Rapid7 Inc.
Reddit Inc.
Sierra Club
St. Jude Medical Inc.

The U.S. Department of Transportation has asked the D.C. Circuit to preserve a federal statute allowing Amtrak to set performance and scheduling standards along the nation's passenger railways, saying the appeals court can trim off the lone provision it found unconstitutional. [Read more »](#)

NATIONAL SECURITY

House OKs Shipping Security, Cuba Travel Bills

The House of Representatives passed a series of bills Monday aimed at increasing shipping security, intercepting international drug shipments, and investigating the security standards in Cuban airports. [Read more »](#)

REAL ESTATE

Trump-GSA Lease Info Went To Ex-Counsel For Years: Report

A law firm that ceased work on the Trump Organization's lease of the Old Post Office building from the U.S. General Services Administration is still getting confidential information about the contentious contract years later, according to a watchdog report Friday. [Read more »](#)

PRIVACY & CYBERSECURITY

Embattled Kaspersky Lab Invites Third-Party Software Review

Moscow-based Kaspersky Lab Inc. says it will invite independent parties to review the security of its antivirus software, in response to U.S. government suggestions that the tools the company makes could be hijacked by Russian operatives and used to spy on Americans. [Read more »](#)

CONSUMER PROTECTION

Treasury Report Adds To Case Against CFPB Arbitration Rule

A Treasury Department report on Monday took a swipe at the Consumer Financial Protection Bureau's arbitration rule, providing more ammunition for financial firms challenging the rule in court even as a move to nullify it in Congress appears on the ropes. [Read more »](#)

AEROSPACE & DEFENSE

Air Force Retirees May Help Alleviate Ground Staff Shortage

Retired military pilots could help alleviate a deepening shortage of aviators by returning to fill positions on the ground that require flight experience under an executive order allowing the Air Force to voluntarily re-enlist as many as 1,000 retired pilots to active duty positions, the Air Force Public Affairs Agency told Law360 on Monday. [Read more »](#)

INTERNATIONAL TRADE

Dems Want Admin Progress On Security-Based Trade Probes

A group of Democratic senators expressed concern to Commerce Secretary Wilbur Ross over the administration's shelving of security-based steel and aluminum investigations in favor of a legislative push for tax reform, arguing the two efforts are separate and delaying the investigation hurts U.S. workers. [Read more »](#)

IMMIGRATION

Telecommunications Industry Association
Teva Pharmaceutical Industries Limited
Trump Organization Inc.
Twitter Inc.
U.S. Chamber of Commerce
Verizon Communications
Volkswagen
Wells Fargo & Co.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Bureau of Land Management
California Attorney General's Office
Centers for Disease Control and Prevention
Central Intelligence Agency
Congressional Budget Office
Consumer Financial Protection Bureau
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Railroad Administration
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Office of Inspector General
Government Accountability Office
Internal Revenue Service
National Institutes of Health
National Railroad Passenger Corporation
National Security Agency
Office of the Comptroller of the Currency
Surface Transportation Board
Transportation Security Administration
U.S. Copyright Office
U.S. Customs and Border Protection
U.S. Department of Homeland Security
U.S. Department of Justice

Permanent Block Of Trump Sanctuary City Order Likely: Judge

A California federal judge said Monday he's inclined to permanently block the government from enforcing President Donald Trump's executive order to withhold federal funds from so-called sanctuary cities, but he was reluctant to rule on a separate question of whether certain San Francisco immigration laws run afoul of federal law. [Read more »](#)

TELECOMMUNICATIONS

Biz Groups Rip Calif. Gov.'s Veto Of Wireless Coverage Bill

Three telecom industry organizations on Monday criticized California Gov. Jerry Brown's veto earlier this month of a bill that would have eased restrictions and set uniform rates for what local governments can charge for the installation of antennas and other equipment used for wireless services. [Read more »](#)

WHITE COLLAR

Ex-Rep. Schock Escapes 2 Charges In Fraud Case

Former U.S. Rep. Aaron Schock managed to shake two counts out of the 24 he's facing over allegations he stole more than \$100,000 when an Illinois federal judge ruled Monday the government had overstepped its constitutional bounds in one and repeated allegations in another. [Read more »](#)

EXPERT ANALYSIS

Anticipating Senate Questions For USPTO Director Nominee

A review of every U.S. Patent and Trademark Office director confirmation hearing since 1999 reveals the likely questions the Senate will ask Andrei Iancu at his upcoming hearing for that position, says Andrew Baluch, a partner at Smith Baluch LLP and former adviser at the USPTO. [Read more »](#)

New Immigration Policy Focuses On Alcohol-Related Charges

In an apparent change in policy, U.S. immigration authorities are now taking a hard-line approach to individuals who have alcohol-related charges or offenses, marking a significant shift in how U.S. Citizenship and Immigration Services and the U.S. Department of State treat visa holders in this predicament, says Ian Macdonald of Greenberg Traurig LLP. [Read more »](#)

In A Town's Fight Against Gas Drilling, Preemption Is Key

In *Seneca v. Highland Township*, a federal judge in Pennsylvania recently reiterated that local laws prohibiting natural gas drilling are preempted by state and federal statutes. While the township was creative in its tactics, the decision ultimately strengthens the industry's hand, and may expedite similar disputes in the future, says Garrett Trego of Manko Gold Katcher & Fox LLP. [Read more »](#)

Stockpiling Biologics Under Hatch-Waxman Protection

Recent biosimilars cases have raised questions regarding whether the Hatch-Waxman Act safe harbor provision protects commercial stockpiling. Though there is surprisingly little case law on this issue, the existing case law supports that stockpiling is at least partially protected, say attorneys with Haynes and Boone LLP. [Read more »](#)

Financial Crisis Anniversary

The Inside Counsel Revolution

U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives
U.S. Patent and Trademark Office
U.S. Senate
U.S. Sentencing Commission
U.S. Supreme Court
World Trade Organization

The role of the general counsel has significantly grown in importance, with the GC now often replacing the senior partner in the outside law firm as the primary counselor for the CEO and the board. This inside counsel revolution was given great impetus by the financial crisis that started 10 years ago, says Ben Heineman Jr., former general counsel of General Electric Co. [Read more »](#)

Series

Judging A Book: Pryor Reviews 'Scalia Speaks'

Christopher Scalia and Edward Whelan have published an indispensable collection of the late Justice Antonin Scalia's best speeches. "Scalia Speaks: Reflections on Law, Faith, and Life Well Lived" puts on full display Justice Scalia's skilled writing, quick wit and uncommon wisdom on a wide range of topics — from law to turkey hunting, says Judge William Pryor of the Eleventh Circuit. [Read more »](#)

LEGAL INDUSTRY

Dentons Ex-Atty Cops Lesser Plea In Extortion Suit

A former litigation associate at Dentons has pled guilty to a single misdemeanor, releasing him from felony extortion charges stemming from threats he allegedly made to release confidential materials taken from a partner's email account while demanding the firm pay him \$210,000 and hand over a piece of artwork in return. [Read more »](#)

Freshfields' Frankfurt Office Raided In Tax Evasion Probe

Authorities searched Freshfields Bruckhaus Deringer LLP's Frankfurt offices Friday in connection with a tax evasion investigation, the firm confirmed on Monday. [Read more »](#)

Atty Reprimanded For 'Angry Black Women' Remark

Michigan's Attorney Discipline Board reprimanded a Detroit lawyer for telling a probation officer at a hearing that she had "angry black women's syndrome" and "that's why you don't have a husband," according to court and media reports. [Read more »](#)

Ex-Chadbourne Partner May Be 4th To Join Gender Bias Suit

A former Chadbourne & Parke LLP partner who has come forward with gender discrimination claims against the firm could be added to a proposed class action being pursued by three other lawyers if her claims aren't settled, a New York federal judge was told Friday. [Read more »](#)

LSAT Dyslexia Accommodation Suit Tossed For Now

A Pennsylvania federal judge on Friday dismissed a woman's suit alleging the Law School Admission Council Inc. denied her request to accommodate her learning disabilities on an entrance exam, saying the claims are not yet ripe for review while offering her leave to amend her complaint. [Read more »](#)

15 Minutes With Teva Pharmaceuticals' General Counsel

David Stark was appointed acting chief legal officer of Teva Pharmaceuticals in 2014, a position he was tapped for permanently in November 2016. His appointment came after he rose up the ranks at Teva after first joining in 2002. [Read more »](#)

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Rep93

From: Public Policy Law360 <news-q@law360.com>
Sent: Thursday, October 26, 2017 5:00 AM
To: Rep93
Subject: Trump Admin Need Not Pay ACA Subsidies, Judge Rules

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Thursday, October 26, 2017

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TOP NEWS

Trump Admin Need Not Pay ACA Subsidies, Judge Rules

A California federal judge on Wednesday refused to make the Trump administration immediately resume reimbursement of Affordable Care Act subsidies for health insurance copays and deductibles. [Read more »](#)

Analysis

4 Takeaways From The Demise Of The CFPB Arbitration Rule

A late Tuesday night U.S. Senate vote may have ended the suspense over the fate of the Consumer Financial Protection Bureau's rule that would have made it easier for consumers to file class action lawsuits against banks and other financial firms, but it left open several questions about future regulation of arbitration clauses and payday loans. Here, Law360 looks at four takeaways from the vote to kill the arbitration rule. [Read more »](#)

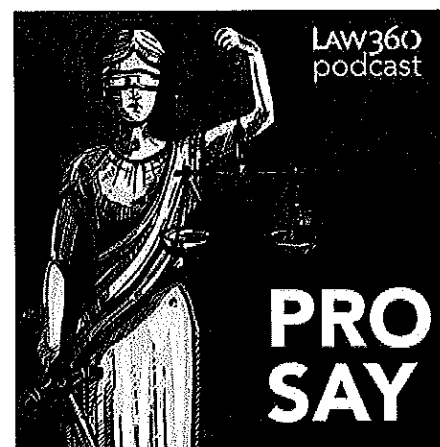
Don't Bet On Ginsburg Retiring Soon, High Court Vet Says

President Donald Trump may not get to replace Justice Ruth Bader Ginsburg after all, Carter Phillips of Sidley Austin LLP suggested Wednesday, noting that, at age 84, the Supreme Court's oldest member has an "iron will and a desire at least to make it to the next election." [Read more »](#)

Judge Nixes Order Releasing Pair Of Benghazi Emails

A D.C. federal judge Tuesday reversed a decision compelling the State Department to release two emails concerning the 2012 attack on the U.S. consulate in Benghazi, Libya, after the government said it had accidentally neglected to invoke a Freedom of Information Act exemption for classified documents. [Read more »](#)

DHS Found Lacking In Verifying H-1B Visas, Watchdog Says



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LAW FIRMS

Akin Gump
Anderson McPharlin
Arnold & Porter Kaye Scholer
Ballard Spahr
Bires Schaffer
Bradley Arant
Browning Kaleczyc
Buckley & Associates
Buckley Sandler
Carlton Fields
DLA Piper

The U.S. Department of Homeland Security's Office of Inspector General said in a report released Friday that the agency needs to do a better job of verifying H-1B program participants, noting that site visits are insufficiently thorough and comprehensive. [Read more »](#)

Dems Say GOP Ducking Bigger Fish As Both Back Tariff Relief

Both parties of a House subcommittee on Wednesday urged Congress to revive the Miscellaneous Tariff Bill, a once-uncontroversial way to suspend tariffs on goods not made domestically for three-year periods, though Democrats said the hearing was another effort to duck bigger issues like NAFTA and tax reform. [Read more »](#)

FDA Defends Cigar Regs, Points To Consumer Misperceptions

The U.S. Food and Drug Administration shot back Wednesday in D.C. federal court at smokers rights groups' challenge to a recent rule expanding regulations on cigars and pipe tobacco, saying expanded warning requirements and user fees are needed to call attention to underappreciated health risks. [Read more »](#)

ENERGY & ENVIRONMENTAL

Energy, Enviro Agencies Pose Ways To Cut Industry Slack

Changes to Clean Air Act standards, the acceleration of natural gas exports, and reviews of land use designations are among the initiatives federal agencies proposed Wednesday to comply with President Donald Trump's order to ease burdens on domestic energy production. [Read more »](#)

EPA Chemical, Air Nominees Survive Split Committee Vote

The Republican-controlled U.S. Senate Committee on Environment and Public Works on Wednesday advanced President Donald Trump's picks to lead the U.S. Environmental Protection Agency's chemical safety and air offices strictly along party lines, with committee Democrats vowing to fight the nominations on the Senate floor. [Read more »](#)

Dem AGs, Enviros Want Fuel Efficiency Penalty Delay Nixed

Five Democratic state attorneys general and a trio of environmental groups on Tuesday urged the Second Circuit to immediately vacate a recent delay of an Obama-era rule raising penalties on automakers that don't meet fuel efficiency standards, or at least put it on hold while its legality is challenged. [Read more »](#)

Enviros Sue DOI For Emails From Oil, Hunting Groups

An environmental group has alleged the Interior Department unlawfully held back communications it has had with oil and natural gas lobbying groups, suing the agency Monday to have it release emails and other documents related to its communications with the energy and hunting industries. [Read more »](#)

HEALTH & LIFE SCIENCES

NJ Hospital Loses Medicaid Reimbursement Rate Appeal

The New Jersey Appellate Division on Wednesday shut down a hospital's long-running bid to recalculate its Medicaid reimbursement rate for the year 1995, ruling that the state properly applied a regulatory update imposing additional limitations on amounts medical providers could recoup for services. [Read more »](#)

Menendez Aide Pressed On Exception To Gifts Disclosure

Epstein Becker Green
Ferraiuoli LLC
Fox Rothschild
Goodwin
Greenbaum Rowe
Greenberg Traurig
Gupta Wessler
Hinshaw & Culbertson
Hogan Lovells
Hunton & Williams
Hyman Phelps
King & Spalding
Kirkland & Ellis
Klee Tuchin
Kobre & Kim
Konicek & Dillon
McDermott Will
McElroy Deutsch
Milbank Tweed
Morgan Lewis
Norton Rose Fulbright
O'Melveny & Myers
O'Neill & Borges
Parker Poe
Paul Hastings
Proskauer Rose
Quinn Emanuel
Reed Smith
Seyfarth Shaw
Sidley Austin
Skadden
Stris & Maher
Tyson & Mendes
Weil Gotshal
Williams & Connolly
Willkie Farr
WilmerHale

COMPANIES

AdvaMed
Advantage Solutions Inc.
Alliance of Automobile
Manufacturers
American Civil Liberties Union
American Farm Bureau Federation
American Petroleum Institute Inc.
American Psychiatric Association

A staffer to Sen. Bob Menendez said Wednesday at the bribery trial of the senator and a Florida ophthalmologist that he believed gifts from the doctor did not need to be reported on the senator's annual financial disclosure forms under a "friendship exception" that a prosecutor claimed does not exist. [Read more »](#)

IP & TECHNOLOGY

Trump Launches Program For State, Local Gov't Drone Testing

The White House launched a pilot program on Wednesday to expand the use of commercial drones by establishing new test sites across the country that federal, state, local and even tribal governments would jointly oversee. [Read more »](#)

MEDIA & ENTERTAINMENT

FCC To Hold Nov. Vote On Relaxing Media Ownership Rules

FCC Chairman Ajit Pai revealed Wednesday that the agency plans to vote on changes to its media ownership rules at its next meeting, outlining a forthcoming order that could permit two of the top four stations in a market to merge when the stations would otherwise be in violation of the current rules. [Read more »](#)

Advocacy Groups Urge Justices To Keep Sports Betting Ban

Several religious and public policy advocacy groups warned the U.S. Supreme Court on Monday of the dangers state-sponsored sports betting would pose to the nation, urging the high court to reject New Jersey's constitutional challenge to a related federal ban. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

San Juan Mayor Wants Contentious Grid Repair Deal Nixed

The mayor of San Juan, Puerto Rico, urged the island's administration on Wednesday to void a contentious \$300 million sole-source contract awarded to a small Montana firm to help restore the island's battered electricity grid, a deal that has also attracted significant scrutiny from federal lawmakers. [Read more »](#)

EMPLOYMENT

DOL's Restaurant Tip Pool Rollback Advances Amid Debate

The U.S. Department of Labor sent the Office of Management and Budget its proposal to rescind a 2011 rule barring businesses from including nontipped workers in tip pools Tuesday, moving the controversial regulation one step closer to its expected end. [Read more »](#)

Ill. House Can't Override Veto On Right-To-Work Zone Law

Missing the mark by one vote, the Democratically controlled Illinois House on Wednesday failed to override Gov. Bruce Rauner's veto on a bill that would ban right-to-work zones in Illinois, a pet priority of the Republican's administration. [Read more »](#)

Forced Halloween Party Attendance Was Bias, Worker Says

A disabled, black, Christian ex-employee of BSN Sports LLC filed a discrimination lawsuit against the uniform and equipment retailer in Texas federal court Wednesday, alleging she was fired after enduring months of comments criticizing her religion, race and disability, culminating with forced attendance at a Halloween event that violated her beliefs. [Read more »](#)

AvePoint Inc.
Best Buy Co.
BlackRock
Cato Institute
Center for Biological Diversity Inc.
Center for Strategic and International Studies
Deloitte Touche
Digital Realty Trust Inc.
Electronic Frontier Foundation
Equifax Inc.
Experian
Federalist Society
Federation for American Immigration Reform
Feihe International Inc.
Global Automakers
Home Depot, Inc.
Immigration Reform Law Institute
Kaspersky Lab Ltd.
MGM Resorts International
Microsoft Corporation
Mohegan Sun
NBCUniversal Inc.
National Association of Consumer Advocates
National Collegiate Athletic Association
National Consumer Law Center
National Employment Law Project
National Restaurant Association
Natural Resources Defense Council
New York Times Co.
New York University
Office Depot Inc.
Sierra Club
Sinclair Broadcast Group, Inc.
Staples Inc.
TransUnion LLC
Tribune Media Co.
Twitter Inc.
U.S. Chamber of Commerce
Yahoo! Inc.

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

PRIVACY & CYBERSECURITY

Senate Intel Panel Approves Renewal Of Surveillance Powers

The Senate Intelligence Committee advanced a bill Tuesday that would extend foreign intelligence surveillance powers through the end of 2025, while making tweaks intended to improve privacy protections and increase punishments for people who publicly leak classified information. [Read more »](#)

NY, Mass. Officials Say Breach Law Shouldn't Override States

Officials from the New York and Massachusetts attorney general's offices on Wednesday urged U.S. House lawmakers considering national data breach reporting and security standards in the wake of the massive Equifax hack to set a "floor and not a ceiling" that would allow states to continue to come up with their own innovative consumer protections. [Read more »](#)

Kaspersky Lab Says It Got NSA Code Off Personal Computer

Embattled Moscow-based cybersecurity software maker Kaspersky Lab admitted Wednesday that it had uploaded a secret NSA hacking tool from a personal computer in the U.S., as it dug in and defended itself from critics and government inquiries questioning its links to the Russian government. [Read more »](#)

House Panel Moves Temporary Ag Worker Bill Forward

The House Judiciary Committee on Wednesday narrowly approved a bill that would replace the current temporary agricultural worker immigrant visa program with one its backers insist gives farmers more hiring flexibility and deters illegal immigration, but its critics say cuts crucial worker protections and wages. [Read more »](#)

INTERNATIONAL TRADE

Analysis

What To Watch For As US Reboots India Trade Engagement

U.S. officials are slated to huddle with their Indian counterparts and talk trade on Thursday, offering the Trump administration its first chance to put its stamp on a crucial bilateral relationship and tackle a slew of market access issues afflicting U.S. businesses in a litany of sectors. [Read more »](#)

Senators Want Steel Trade Probe To Accelerate

The U.S. Department of Commerce should speed up its probe into whether to impose new national security-based steel tariffs to counter efforts by other countries to dump the commodity into the U.S., Massachusetts' two Democratic senators urged the agency on Wednesday. [Read more »](#)

TAX

Rep. Brady Hints At Lower 401(k) Limits, Contradicting Trump

House Ways and Means Committee Chairman Kevin Brady, R-Texas, said Wednesday that a tax overhaul plan from the White House and congressional Republican leadership could include changes to the 401(k) retirement program, contradicting President Donald Trump's assertions that tax-free contribution thresholds would stay intact. [Read more »](#)

House Democrat's Tax Reform Principles Favor Middle Class

Rep. Richard Neal, D-Mass., the ranking member of the House Ways and Means Committee, said Wednesday that congressional Democrats would be looking for

Bureau of Indian Affairs
Bureau of Land Management
Central Intelligence Agency
Commodity Futures Trading Commission
Congressional Budget Office
Consumer Financial Protection Bureau
Department of Commerce
Equal Employment Opportunity Commission
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Election Commission
Federal Emergency Management Agency
Federal Housing Finance Agency
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Government Accountability Office
International Trade Commission
Mashantucket Pequot Tribal Nation
NAFTA
National Economic Council
National Highway Traffic Safety Administration
National Security Agency
National Security Council
New York Attorney General's Office
New York State Department of Health
Nuclear Regulatory Commission
Office of the Comptroller of the Currency
Privacy & Civil Liberties Oversight Board
Securities and Exchange Commission
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Energy

certain principles in tax reform legislation — which Republicans are poised to unveil soon — that center around support for middle-class families. [Read more »](#)

BANKRUPTCY

Puerto Rico Gets Court's OK For Use Of FEMA Relief Funds

The judge presiding over Puerto Rico's bankruptcy-like cases on Wednesday approved the commonwealth's stipulations for using federal disaster relief funds to help the island rebuild after Hurricane Maria, providing assurances that the money is to be used solely for cleanup efforts. [Read more »](#)

IMMIGRATION

Immigrant Abortion Dispute Closed, But ACLU Vows Vigilance

The American Civil Liberties Union on Wednesday said "justice prevailed" for an immigrant teen in federal custody who was able to obtain an abortion, but also vowed to keep fighting for the rights of similarly situated immigrant women. [Read more »](#)

DACA Applicants 'Living In Fear' Of Info Misuse, Dems Say

A group of Democratic lawmakers Wednesday called on the U.S. Department of Homeland Security to protect the personal details of applicants to the Deferred Action for Childhood Arrivals program, saying that thousands who trusted the federal government with "a copious amount of information about themselves and their families are now living in fear" that it will be used against them. [Read more »](#)

Tech Union Appeals F-1 Visa Rule Challenge Loss To DC Circ.

A technology union that sued the U.S. Department of Homeland Security, arguing its members are disadvantaged in their job market by the extension of a program that lets students visiting on F-1 visas work during their studies, appealed the dismissal of its case to the D.C. Circuit on Tuesday. [Read more »](#)

NATIVE AMERICAN

Tribes Say DOI Already Gave Them OK For 3rd Conn. Casino

A company co-owned by the Mohegan and Mashantucket Pequot tribes on Wednesday assailed former U.S. Department of the Interior Secretary Ken Salazar's recent warning that the tribes' proposed third Connecticut casino might jeopardize their revenue sharing with the state, saying the tribes already have federal approval for needed changes to their tribal-state gaming compacts. [Read more »](#)

Ontario Gov't Criticized Over Pollution In Indigenous Areas

The environmental watchdog of Ontario, Canada, said in an extensive report released on Tuesday that the province's government should be doing more to address serious pollution issues facing various indigenous people and communities. [Read more »](#)

TELECOMMUNICATIONS

Pai Dodges Direct Commentary On Trump's NBC Tirade

FCC Chairman Ajit Pai on Wednesday refused to denounce outright President Donald Trump's recent comments hinting at revoking the broadcast license for

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. General Services Administration

U.S. House Committee on Energy and Commerce

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

NBC, but he further emphasized the agency is bound by the First Amendment principle of free speech. [Read more »](#)

WHITE COLLAR

Deputy AG Echoes Yates Memo On Corporate Wrongdoing

U.S. Deputy Attorney General Rod Rosenstein seemed to endorse the Yates memo Wednesday, a controversial Obama-era policy on corporate misconduct, stressing the need to prosecute individual misconduct rather than let corporate wrongdoers off the hook by extracting large settlements from their employers and shareholders. [Read more »](#)

House Votes To Restrict Policymaking Through Settlements

The House of Representatives voted Wednesday to restrict the use of settlements to change agency policy, with backers of the bill saying the courts have allowed civil suits to get around the rulemaking process in environmental, labor and other litigation. [Read more »](#)

SEC Backs Whistleblower On Protections In High Court Row

The U.S. Securities and Exchange Commission has weighed in on a case challenging the limits of the Dodd-Frank Act's whistleblower anti-retaliation provision, telling the U.S. Supreme Court in a friend-of-the-court brief that the provision should be read to protect whistleblowers regardless of whether they bring their concerns to the agency. [Read more »](#)

Giuliani Says Prosecutors Too Zealous In Corporate Cases

Former New York City Mayor Rudy Giuliani thinks prosecutors nowadays are too quick to bring criminal cases against people in the business world, and suggested Wednesday that the lack of such cases in the aftermath of the 2008 financial crisis was because "maybe no one committed a crime." [Read more »](#)

Ex-Rep. Says Mailer Not Campaign Ad In Donation Theft Case

Former U.S. Rep. Stephen Stockman, who is facing more than two dozen criminal charges related to his alleged funneling of charitable donations to his campaigns, asked a federal judge in Texas on Tuesday to dismiss one of the charges of making an excessive contribution, arguing the government didn't offer enough evidence to get an indictment on that count. [Read more »](#)

EXPERT ANALYSIS

House Bill Would Raise Stakes Of Congressional Inquiries

On Monday, the House passed a bill that, if enacted, would shift the current landscape regarding judicial review of congressional subpoenas and place significant burdens on all recipients of such subpoenas, say attorneys with Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

CFPB Walks Data Privacy Tightrope On Mortgage Disclosures

With recent guidance, the Consumer Financial Protection Bureau appears to be focused on not only furthering the underlying purpose of the Home Mortgage Disclosure Act, but doing so while ensuring that consumer privacy is protected, say Erin Illman and Nathan Viebrock of Bradley Arant Boult Cummings LLP. [Read more »](#)

How Choice Act Would Change Agency Rule-Making Authority

The Financial Choice Act proposes changes to the Congressional Review Act's process for disapproving regulations issued by certain financial agencies. By replacing a passive disapproval process with an active approval process, a significant amount of power to impose regulations will be retained by Congress, say Gregory Hesse and Abigail Storm of Hunton & Williams LLP. [Read more »](#)

Trending In Telehealth: Behavioral Health Services

An increasing number of behavioral health care professionals are becoming more and more interested in using telehealth platforms to connect with their patients, and there is much new and updated guidance from states regarding the practice of providing such services in this space, says Amy Lerman of Epstein Becker & Green PC. [Read more »](#)

Tension Between Legal Marijuana Use And Employer Rights

Earlier this year Florida Gov. Rick Scott signed a bill that provides certain patients the right to use marijuana for medical purposes. However, the law specifically states that employers are not required to accommodate medical marijuana use in any respect, which is a conflict that causes confusion and consternation for legal marijuana users and their employers, say Jonathan Crotty and Sarah Douglas of Parker Poe Adams & Bernstein LLP. [Read more »](#)

Series

Making Pro Bono Work: Building Sponsorship Relationships

Within their first year, associates should make it a priority to take on a pro bono matter and approach a partner about supervising the project. By collaborating with a partner on a pro bono case, young associates can cultivate sponsorship relationships while simultaneously contributing to the public good, say Michael Scudder and Jay Mitchell of Skadden Arps Slate Meagher & Flom LLP. [Read more »](#)

LEGAL INDUSTRY

Analysis

How Law Firms Are Failing To Keep Clients' Data Safe

News broke Tuesday night that client data was stolen from offshore law firm Appleby in a cyberattack, and as the firm deals with the consequences of the breach, cybersecurity experts say Appleby is not alone — most law firms have a major data security problem. [Read more »](#)

Litigation Volume Lets Up For US Companies, Report Says

There was an overall decline in litigation between 2016 and 2017, with the average number of suits filed against large organizations falling from 30 to 25, as more companies start to use preventive measures and early case resolution, a report released Wednesday found. [Read more »](#)

Analysis

3 Ways To Avoid Ethical Pitfalls In High-Low Settlements

High-low settlements, in which a defendant agrees to pay a minimum figure in exchange for protection from a runaway verdict, are widely accepted by courts and arbitrators but also carry some special ethical considerations for lawyers. Here are three things attorneys should know to meet their professional duties when it comes to high-low settlements. [Read more »](#)

DC Circ. Judge Cautions Against Statutory Interpretation

When deciding cases, judges too often make "dangerous" determinations that a law is ambiguous, which allows them to move into areas of subjective statutory

interpretation, D.C. Circuit Judge Brett Kavanaugh said during a keynote speech Wednesday at the Heritage Foundation in Washington, D.C. [Read more »](#)

Series

What I Learned In My 1st Year: Be A Sponge

As a new attorney, it was astonishing to realize how little I knew. I soon began to appreciate that everyone I met had a unique take or way of doing something. Many things I learned during that first year from my colleagues are still incorporated into my practice today, says Patrick Mendes of Tyson & Mendes LLP. [Read more »](#)

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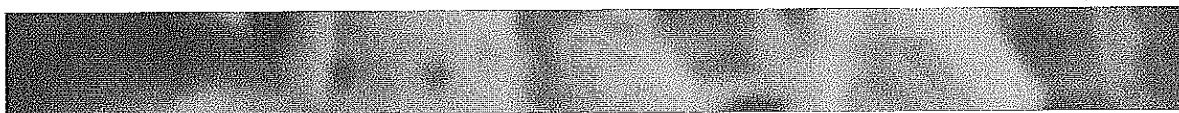
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October 26, 2017

National "Choices in Education" Video Contest Invites Families to Share Their Stories

A dozen national partners join effort to celebrate educational opportunity

This week, a dozen national partners launched the "Choices in Education" video contest at www.ChoicesInEd.org. The contest provides the families and students who have experienced the power of educational freedom with a forum for sharing their life-changing stories.

Over the next month, students, parents and alumni of educational choice programs across the country are encouraged to submit a short video about how their choice has made a difference in their lives, and why access to more educational opportunity in their state can benefit students and families with the right educational fit.

"Millions of students across the country benefit from being able to choose the learning environment that best fits their needs - whether that is a traditional public school, charter school, magnet school, private school, blended and virtual learning or homeschool. The Choices in Education video contest is a chance for the real experts on education to share their stories on the life-changing benefits of educational opportunity." - Patricia Levesque, ExcelinEd CEO

Entering is simple. All participants need are a smartphone, a few minutes and a great story to share. Video submissions, which can feature students or families, will be accepted from Oct. 25 through Dec. 1.

A panel of judges from national organizations representing a broad spectrum of educational choice options will select the grand prize winners and runners-up. Three grand prize winners will receive \$15,000 each, with three runners-up awarded \$5,000 each.

Additionally, two people's choice winners will be chosen from among 15 finalists through public voting in December.

Winners will be announced during National School Choice Week, Jan. 22-26, 2018.

ExcelinEd has teamed up with the nation's leading education groups on this video competition, including American Federation for Children, Agudath Israel, Center for Education Reform, Classical Conversations, Democrats for Education Reform, EdChoice, Foundation for Blended and Online Learning, Goldwater Institute, National Alliance for Public Charter Schools, School Choice Week and the State Policy Network.

For more information on the Choices in Education video contest and to submit videos, visit www.ChoicesInEd.org.

The Foundation for Excellence in Education (ExcelinEd) is a national leader in education reform. ExcelinEd is a hands-on, how-to policy and advocacy organization that designs and promotes model legislation and supports states with technical expertise, policy development and implementation strategies and public outreach.



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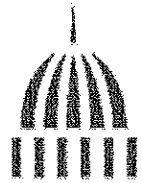
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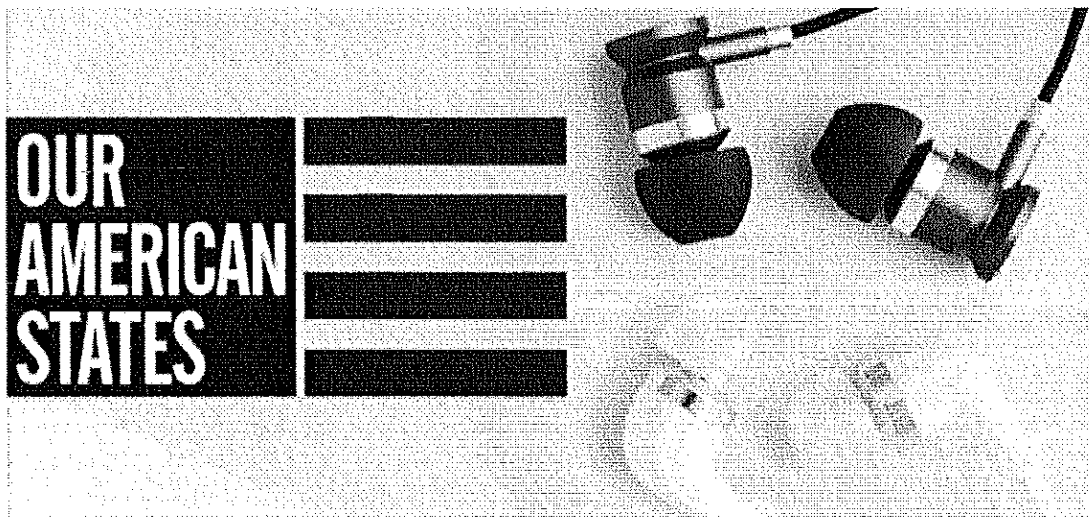
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NATIONAL CONFERENCE
of STATE LEGISLATURES

U.S. Supreme Court Cases to Watch This Term



Five cases that the U.S. Supreme Court has put on its docket for the current term could have a significant impact on states. State legislatures are waiting for decisions on these cases, and could

**Don't miss these
past episodes of
Our American
States:**

cause them to change state laws depending on how the court rules. And a potentially explosive sixth case is waiting in the wings.

Our guests this episode are **Lisa Soronen**, executive director of the State and Local Legal Center, and **Susan Frederick**, senior federal affairs counsel at NCSL.

The cases we examine are:

- *Gill v. Whitford*, a Wisconsin case in which the court may decide whether partisan gerrymandering is unconstitutional.
- *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, looks at whether Colorado's public accommodations law violates a cake artist's First Amendment free speech and free exercise rights.
- *Janus v. American Federation of State, County and Municipal Employees* the court will address whether unions can collect dues from nonmembers.
- *Husted v. A. Philip Randolph Institute* looks at Ohio's procedures to remove voters from their rolls after four years of inactivity.
- *Christie v. National Collegiate Athletic Association* may decide how far Congress can regulate states and localities in the absence of comprehensive federal regulation.

And, as a bonus, we'll discuss what could happen if the court accepts a South Dakota case that could overturn the 1992 *Quill Corp v North Dakota*, which said states could not force business to collect sales or use taxes unless it has a physical presence in a state.

The Role of States
and Governments
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the leaflet

Weekly policy updates from
THE HEARTLAND INSTITUTE 

Cook County's Soda Tax Gets Canned

On October 11, Cook County, Illinois commissioners voted 15 to 2 to repeal a sugary-drink tax, after businesses and consumers alike pushed back against the law. Although commonly referred to as a "soda tax," the tax was levied on all non-alcoholic beverages sweetened with added sugars, including non-caloric diet soda. It imposed a 1-cent-per-ounce tax on these beverages, amounting to a 67-cent levy on a two-liter bottle, or a \$1.44 tax on a 12-pack of canned sugary drinks.

The commissioners who initially voted for the soda tax previously defended it said the tax promotes healthy lifestyles and could help to plug a \$200 million hole in the county's budget. Opponents cited the negative economic consequences of a soda tax and the fact that similar taxes in other parts of the country have failed to improve health outcomes as reasons for rejecting the levy. A 2009 report concluded there is little correlation between soda tax implementation and weight loss.

In just one year, the tax opponents were proven correct. A report by the Illinois Food Retailers Association and Can the Tax Coalition found beverage sales declined in 32 Cook County stores from August 2016 to August 2017, with stores near the county's borders experiencing declines near 50 percent.

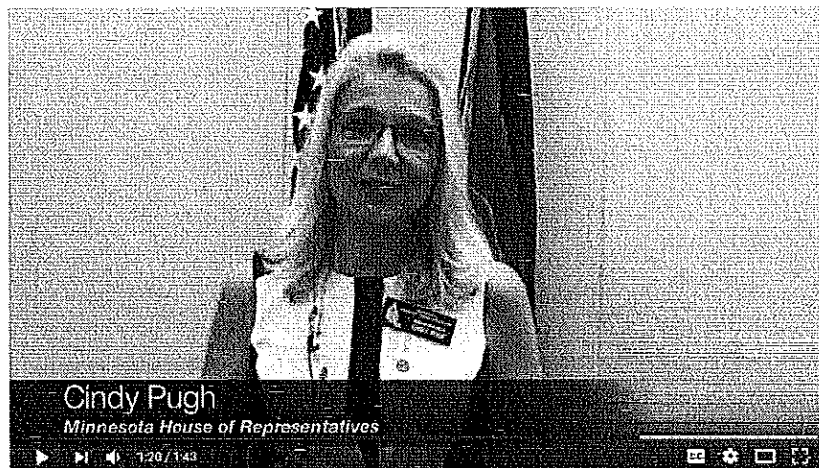
Soda taxes, like other "sin" taxes, are tools for lawmakers to fill budget gaps and raise revenue; they aren't typically passed to improve health, regardless of what their proponents say. But interestingly, these kinds of taxes are often incapable of providing reliable tax revenues. Heartland Senior Policy Analyst Matthew Glans, in a recent *Research & Commentary*, noted,

"While sin taxes do sometimes result in increased revenue over the short term, they often lead to an even greater increase in expenditures, which often cannot be supported by the tax over the long term, thereby creating budget shortfalls."

Philadelphia, which implemented a sweetened beverage tax in January 2017, has yet to receive the additional tax revenue city officials expected when they passed the levy. According to a Tax Foundation report, Philadelphia missed its target revenue goal by \$6.7 million during the first half of the year, and revenue projections have since decreased, as consumers continue to choose to buy groceries outside of city boundaries or purchase other products instead.

States and cities should learn from the failures of the Philadelphia and Cook County soda taxes and avoid implementing and relying on sin taxes, which burden lower-income residents more than other groups. As Glans concluded in his *Research & Commentary*, "Instead of creating or increasing discriminatory taxes, cities and states should focus on tax reforms that lower rates, put dollars back into the pockets of taxpayers, and encourage government efficiency."

State elected officials from across the country talk about how The Heartland Institute has been a valuable resource for them.



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WHAT WE'RE WORKING ON

Energy & Environment

Oregon Carbon Tax Is a Slush Fund for Failing Green Projects

In this *Research & Commentary*, Heartland Policy Analysts Matthew Glans and Tim Benson write about a new carbon tax proposal in Oregon, which they argue will be nothing more than a “slush fund” for unreliable energy projects. If a carbon tax is levied, they write, residents of Oregon will pay more for natural gas, electricity, gasoline, and other energy commodities, affecting every home and business in the state.

Education

Later School Start Times Improve Economy

In this article for *School Reform News*, Tori Hart writes about a new analysis from the RAND Corporation that says starting the school later in the morning would improve the U.S. economy by roughly \$9.3 billion per year. The study’s macroeconomic approach focused on the impact extra sleep has on teenagers. Critics of the report are not entirely convinced of RAND’s analysis and say the full benefits claimed in the report are unlikely to materialize.

Budget & Tax

Soda Taxes Continue to Fall Flat

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines the failure of the Philadelphia and Cook County soda taxes and why “sin taxes” in general are unlikely to raise the revenue supporters expect. “Instead of creating or increasing discriminatory taxes, cities and states should focus on tax reforms that lower rates, put dollars back into the pockets of taxpayers, and encourage government efficiency,” Glans wrote.

Health Care

How States Can Address America’s Doctor Shortage

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans and State Government Relations Manager Lindsey Stroud examine ways states can reform medical licensing standards. “Supporters of strict state licensing standards argue they assure quality, but critics argue the arduous and often expensive licensing process harms the health care market by hindering entry for new physicians and thereby impeding the competition that lowers costs and improves consumer access to healthcare services,” Glans and Stroud wrote.

From Our Free-Market Friends

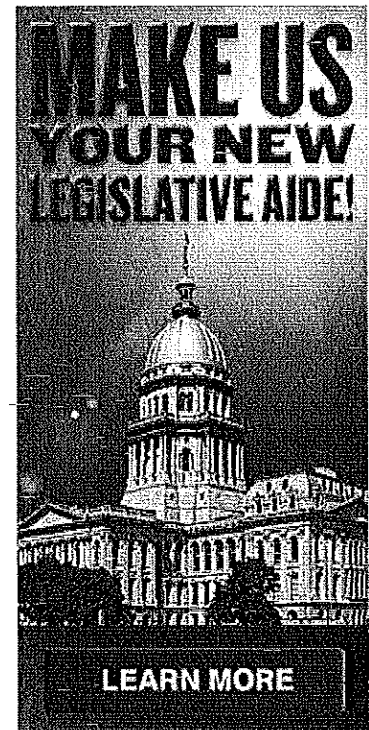
Restoring the Dignity of Work

= A

The Commonwealth Foundation, a think tank in Pennsylvania, issued a new policy report examining Pennsylvania’s welfare



= A



POLICY NEWSPAPER



The November 2017 issue of *Environment & Climate News* reports about the potential modification of the 1972

system. It highlights the necessity of work and criticizes the policies currently in place, which don't include any work requirements attached to welfare benefits. The Keystone State has one of the highest ratios of families receiving welfare benefits over a long period, and only 7 percent of able-bodied adults receiving food stamps in the state are required to work. Commonwealth believes Pennsylvania should adopt important welfare reforms, such as work requirements. If Pennsylvania lawmakers do this, the Commonwealth Foundation estimates it would save the state's taxpayers nearly \$3 million in 2018, and much more over time.


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Marine Mammal Protection Act (MMPA). The White House and Congress wish to modernize the act, which they claim has hindered domestic energy production and energy independence.

[Budget & Tax News](#)

[Health Care News](#)

[School Reform News](#)



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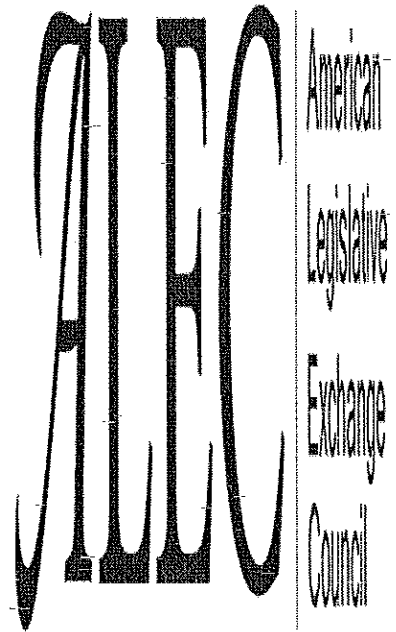
This message was sent to rep93@ohiohouse.gov from awilkerson@heartland.org

Heartland Government Relations
The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004

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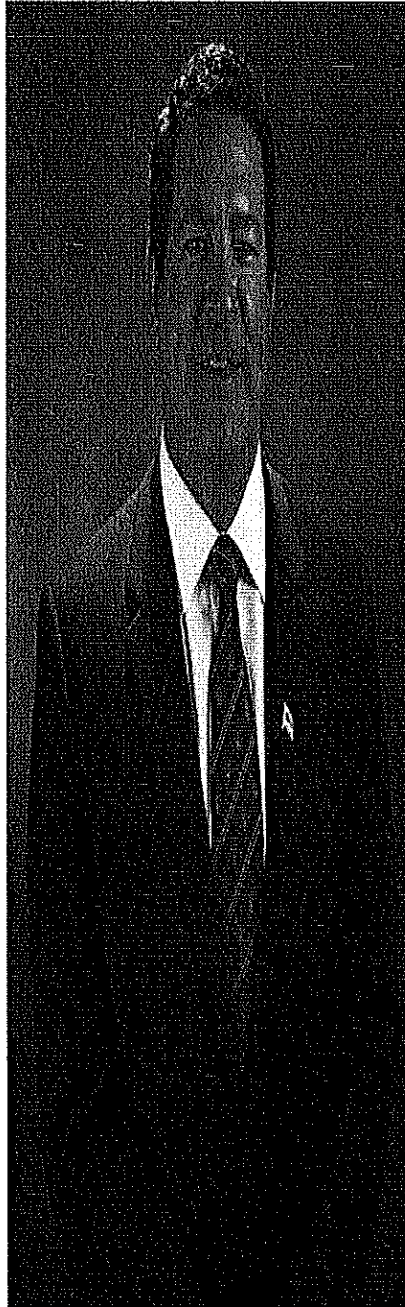
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From: Courtney Cook
Sent: Saturday, October 28, 2017 11:17 AM
To: Rep93
Subject: Will you be in Nashville?



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Senator Mark Green
2017 States and Nation Policy Summit

December 6 - 8, 2017

Senator Mark Green of Tennessee will welcome attendees to the ALEC 2017 States and Nation Policy and Music City at the Opening Lunch session on Wednesday, December 6, 2017. Keep your playlist going and join us for the Tennessee Welcome reception that evening!



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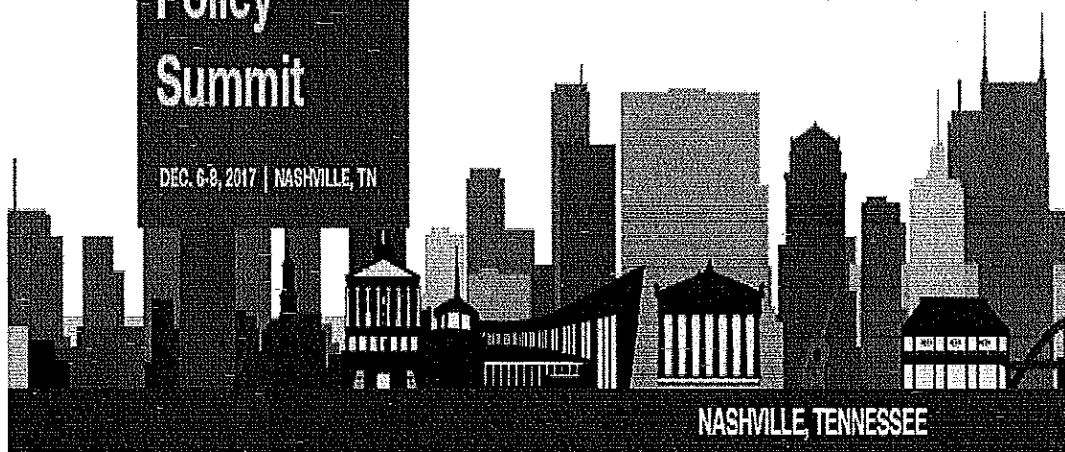
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Courtney Cook

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From: State Policy Team
Sent: Monday, October 30, 2017 5:07 PM
To: State Policy Team
Subject: Obamacare Tax Repeal-Ohio Congressional Delegation
Attachments: ATR-OHLetter.pdf

Americans for Tax Reform and the Buckeye Institute will send the following enclosed coalition letter (attached and pasted below) to members of the Ohio congressional delegation tomorrow, urging them to repeal the 20 tax increases included in Obamacare.

If you would like to add your name to the list of signers before this letter goes out to members of Congress tomorrow afternoon, you can do so by responding to this email or emailing state@atr.org. By adding your name to this letter, you will help send a strong message in defense of Ohio taxpayers. The text of the letter reads as follows:



Dear Members of the Ohio congressional delegation:

On behalf of the undersigned organizations we write to urge you to prevent the Obamacare tax on health insurance from going into effect in 2018.

Unless you and your colleagues act soon, this tax, along with the tax on medical devices, will go into effect January 1, 2018, leading to higher premiums and higher costs for middle class families, seniors, and small businesses. Ideally, both the health insurance tax and medical device tax should be repealed permanently, as should all one trillion dollars of Obamacare taxes.

Absent full repeal, it is critical that lawmakers should act to delay these two taxes so they do not hit taxpayers in 2018. While both are harmful to taxpayers, the health insurance tax is particularly devastating.

In Ohio alone, it is estimated that the Obamacare health insurance tax will cost between 3173 and 5920 jobs by 2023, causing a loss of \$1 billion in economic growth over a decade.

Nationwide, this tax will hit 11 million households that purchase through the individual insurance market and 23 million households covered through their jobs. Half of the tax is paid by those earning less than \$50,000 a year and it will increase premiums by \$5,000 per family over the next decade according to research by the American Action Forum.

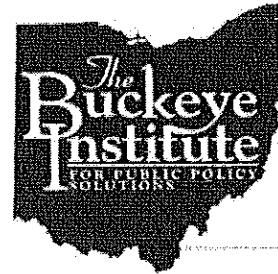
Next year alone, the health insurance tax will total **\$14.3 billion**, while over the next decade, the tax is estimated to total \$145 billion in higher taxes.

Already, American families have been hit hard by Obamacare's tax increases. The law imposed multiple taxes that have increased the cost of

care for families and reduced choice including a tax on Americans facing high medical bills, multiple taxes on health savings accounts, a tax on prescription medicines, and a tax for failing to buy health insurance.

The last thing taxpayers need is even more taxes to go into effect. It is imperative that you and your colleagues work to prevent new Obamacare taxes from harming your constituents, including the tax on health insurance.

AMERICANS *for* TAX REFORM



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From: Rep93
Sent: Monday, October 30, 2017 5:14 PM
To: Snider, Grace
Subject: FW: Obamacare Tax Repeal-Ohio Congressional Delegation
Attachments: ATR-OHLetter.pdf

From: State Policy Team [mailto:state@atr.org]
Sent: Monday, October 30, 2017 5:07 PM
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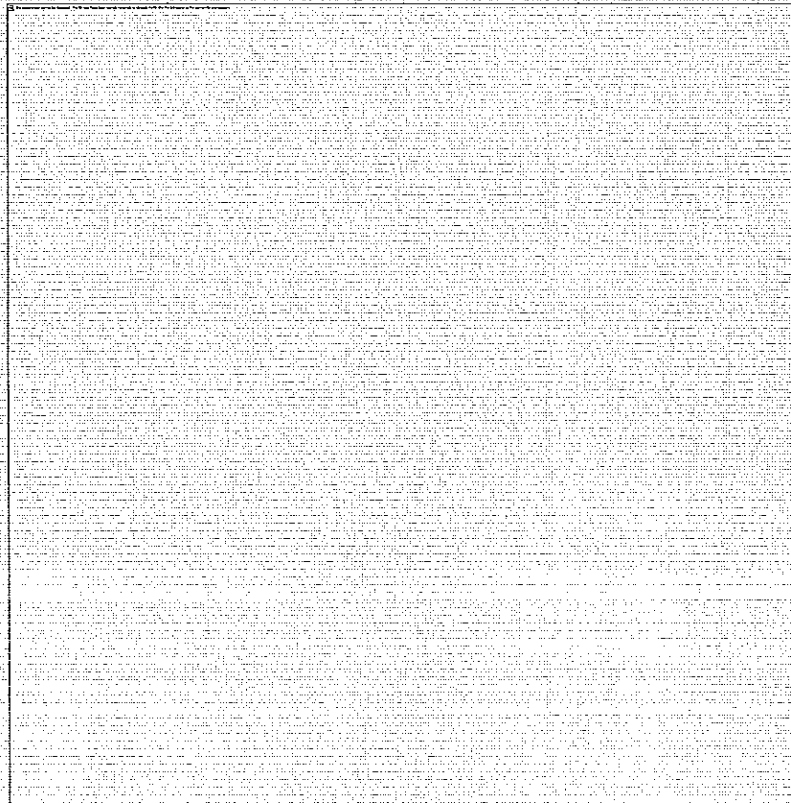
From: Morning Consult

Sent: Tuesday, October 31, 2017 9:03 AM

To: Rep93

Subject: Morning Consult Washington, Presented by the National Association of Broadcasters: Facebook Says Russian Posts Reached 126 Million Users

Attachments: ATT00001.txt; ATT00002.htm



By Eli Yokley

OUT TODAY: Morning Consult's latest Governor and Senator Approval Rankings.

Top Stories

- Representatives from Facebook Inc., Twitter Inc. and Google Inc. are set to testify today at a Senate Judiciary subcommittee hearing about Russia's attempts to influence the 2016 U.S. presidential election. According to prepared testimony, Russian-backed Facebook posts reached 126 million users, while Russian-linked accounts posted more than 131,000 tweets and more than 1,000 videos were uploaded to YouTube by Russians - far more information than the companies previously revealed. ([The New York Times](#))
- President Donald Trump has become increasingly concerned that special counsel Robert Mueller's Russia probe could be moving toward an investigation into his personal dealings. Trump privately sought to downplay Paul Manafort's role in his presidential campaign after the former campaign chairman and his longtime business associate, Rick Gates, were indicted, while the White House publicly distanced itself from former campaign adviser George Papadopoulos, who pleaded guilty to lying to the Federal Bureau of Investigation. ([The Associated Press](#))
- House Ways and Means Committee Chairman Kevin Brady (R-Texas) said no decision has been made on a proposal to gradually phase in the GOP's proposed corporate tax cut. Republican lawmakers are preparing to introduce their tax overhaul legislation on Wednesday, and Trump wants the corporate rate cut immediately. ([Bloomberg](#))
- Massachusetts Gov. Charlie Baker and Maryland Gov. Larry Hogan - both Republicans in traditionally blue states - are the nation's most popular governors, according to new poll. ([Morning Consult](#)) A separate survey of constituents in all 50 states found that Bernie Sanders (I-Vt.) is still America's most popular senator,

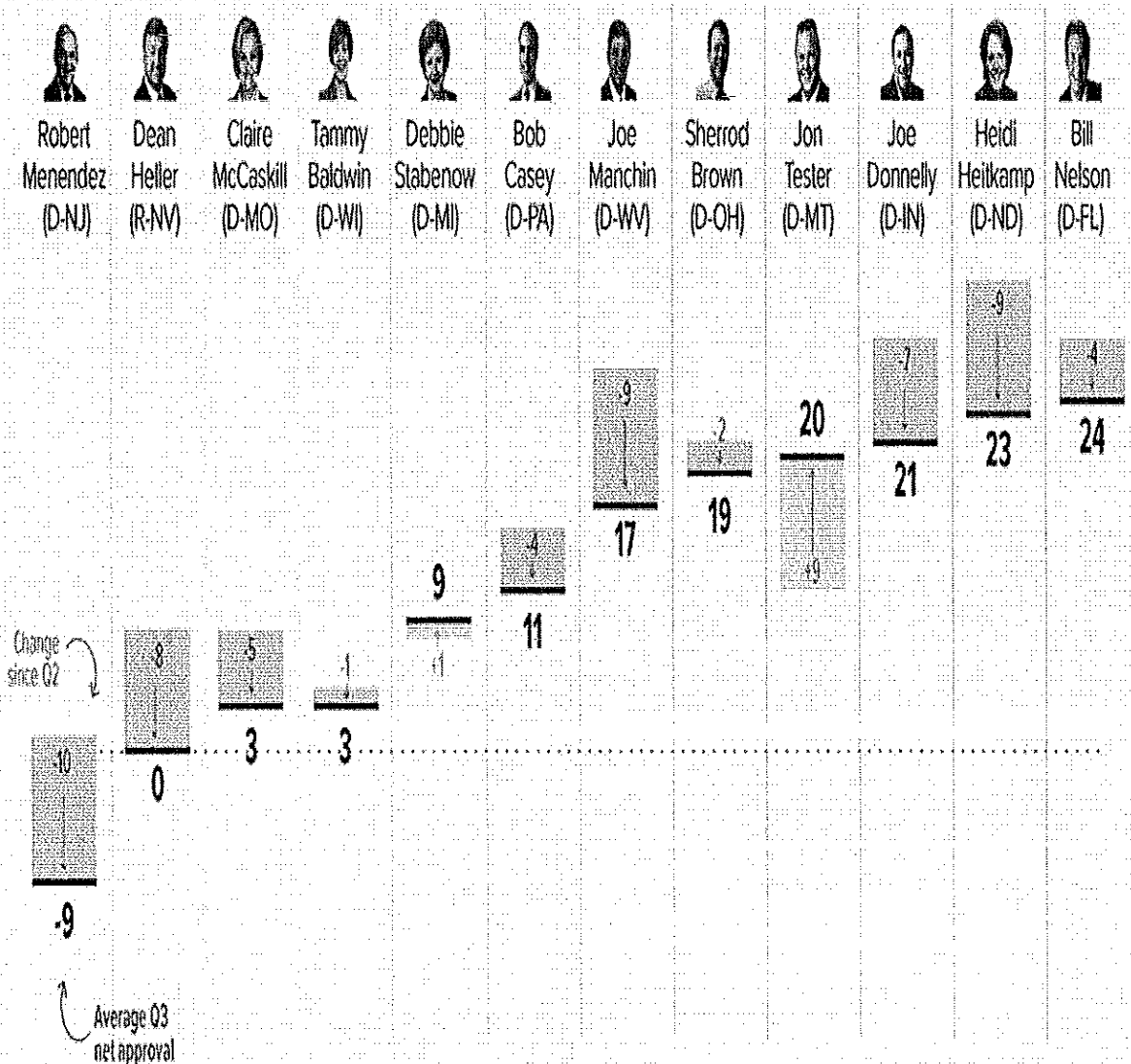
while Majority Leader Mitch McConnell (R-Ky.) is the least popular. ([Morning Consult](#))

Chart Review

How Voters View 2018's Most Vulnerable Senators a Year Out
Morning Consult

Net Approval for the Most Vulnerable Senators in 2018

and how it's changed since the second quarter of 2017.



Events Calendar (All Times Local)

TUESDAY

- | | |
|--|-----------|
| Senate Judiciary subcommittee hearing on extremist content and Russian disinformation online | 2:30 p.m. |
| Sec. Ross testifies at Senate Homeland Security Committee hearing on 2020 Census | 2:30 p.m. |

WEDNESDAY

- | | |
|--|-----------|
| Senate Intelligence Committee hearing on influence of social media on the 2016 election | 9:30 a.m. |
| Senate Banking Committee hearing on Export-Import Bank nominees | 10 a.m. |
| North Korean defector testifies before House Foreign Affairs Committee | 10 a.m. |
| Center for American Progress event on the year since the 2016 election | 10 a.m. |
| Google, Facebook and Twitter representatives testify before House Intelligence Committee's Russia task force | 2 p.m. |
| Sally Yates delivers lecture at Georgetown on criminal justice reform | 4 p.m. |

THURSDAY

Reps. Duffy, MacArthur speak at Ripon Society event on Puerto Rico	7:45 a.m.
--	-----------

Sec. Perry, Sen. Cantwell speak at Axios/NBC News event on energy	8 a.m.
---	--------

Carter Page testifies before House Intelligence Committee	9 a.m.
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Sens. Portman, Whitehouse and Shaheen speak at event on opioids	3 p.m.
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FRIDAY

No events scheduled

Should Apple voluntarily activate
FM radio in iPhones?

Most Americans say
YES by a 5-1 margin.
Learn more »



General

Russian Influence Reached 126 Million Through Facebook Alone

Mike Isaac and Daisuke Wakabayashi, The New York Times

Russian agents intending to sow discord among American citizens disseminated inflammatory posts that reached 126 million users on Facebook, published more than 131,000 messages on Twitter and uploaded over 1,000 videos to Google's YouTube service, according to copies of prepared remarks from the companies that were obtained by The New York Times. The detailed disclosures, sent to Congress on Monday by companies whose products are among the most widely used

on the internet, came before a series of congressional hearings this week into how third parties used social networks and online services to influence millions of Americans before the 2016 presidential election.

Manafort Faces a Stark Choice: Cooperate or Risk Years in Prison

Christian Berthelsen, Bloomberg

U.S. prosecutors filed a straightforward, easy-to-prove criminal case against former Trump campaign manager Paul Manafort, leaving him with a stark choice: cooperate or fight the charges and, if he loses, face years in prison. The indictment, unsealed on Monday, relies extensively on so-called document charges - essentially that Manafort and his business partner Richard Gates didn't file reports to the government that they were required to under the law.

FBI Is Probing Puerto Rico Power Contract

Andrew Scurria, The Wall Street Journal

The Federal Bureau of Investigation is investigating a \$300 million contract awarded by Puerto Rico's government power company to a tiny Montana energy to rebuild electrical infrastructure damaged in Hurricane Maria, according to people familiar with the matter. Agents from the FBI's San Juan field office are looking into circumstances surrounding the deal the public-power monopoly known as Prepa signed with Whitefish Energy Holdings LLC, according to three people familiar with the matter.

U.S. Presses Persian Gulf States to Scale Back North Korea Ties

Ian Talley and Nicolas Parasie, The Wall Street Journal

Trump administration officials, eager to choke off North Korea's global networks, have in recent days urged Persian Gulf countries to clamp down harder on the nuclear-armed state's ties to the region. In three days of high-level talks in the United Arab Emirates and Qatar, U.S. Treasury officials pushed regional leaders to tighten financial oversight and reduce

the number of North Korean laborers working in the region, many of whom are employed in the construction industry.

Unlocking the Truth about 'Matching' Fundraising Emails
Simone Pathé, Roll Call

At the stroke of midnight on Sept. 30, they finally stopped. But in less than three months, those incessant end-of-quarter fundraising emails that promise donors their contributions will be "matched" will come flooding back to inboxes around America.

Presidential

Trump lashes out on indictments, tries to shift focus to tax reform

Mallory Shelbourne, The Hill

President Trump on Tuesday dismissed the latest wrinkle in the special counsel's investigation into Russia's election meddling, saying the alleged actions of his former campaign chairman occurred prior to his involvement with the Trump campaign. "The Fake News is working overtime. As Paul Manafort's lawyer said, there was 'no collusion' and events mentioned took place long before he.....came to the campaign," Trump wrote on Twitter.

Mueller probe of Trump administration enters new phase
Zeke Miller and Jonathan Lemire, The Associated Press

Special counsel Robert Mueller's charges against former Trump campaign chairman Paul Manafort and two other aides marked a new phase in his sprawling investigation into Russia and President Donald Trump, underscoring the ongoing threat Mueller poses to the president. Trump immediately sought to distance himself after Manafort and Rick Gates pleaded not guilty Monday to a 12-count indictment alleging money laundering, conspiracy and other offenses and as another former aide

was revealed to be cooperating with authorities after entering a guilty plea for lying to the FBI.

Upstairs at home, with the TV on, Trump fumes over Russia indictments

Robert Costa et al., The Washington Post

President Trump woke before dawn on Monday and burrowed in at the White House residence to wait for the Russia bombshell he knew was coming. Separated from most of his West Wing staff - who fretted over why he was late getting to the Oval Office - Trump clicked on the television and spent the morning playing fuming media critic, legal analyst and crisis communications strategist, according to several people close to him.

Kelly says Civil War was caused by 'lack of compromise'
Brent D. Griffiths, Politico

White House chief of staff John Kelly said Monday that the Civil War was "caused by a lack of an ability [to] compromise" and that Confederate general Robert E. Lee was "an honorable man." "I would tell you that Robert E. Lee was an honorable man," Kelly told Fox News host Laura Ingraham.

Senate

Lawmakers to Trump: Leave Mueller alone
Mary Clare Jalonick, The Associated Press

Democrats - and a few Republicans - in Congress have a clear message for President Donald Trump: Don't mess with Robert Mueller. Concerned that the president may fight back after Mueller's investigation into Russian meddling led to two indictments and a guilty plea for his former advisers Monday, top Democrats laid down a marker for the president, who earlier in the year criticized Mueller and the probe.

Key GOP Senator Susan Collins Lays Out Her Demands for Tax Bill

Sahil Kapur, Bloomberg

Republican Senator Susan Collins of Maine said Monday she's opposed to two tax breaks for the wealthy that her party leaders are pushing for, indicating that her vote won't be easy to win on President Donald Trump's top legislative priority. "I do not believe that the top rate should be lowered for individuals who are making more than \$1 million a year," Collins said during an interview with Bloomberg News.

Donald Trump's Ex-Im Bank Nominee, a Longtime Critic of Agency, Faces Senate Test

Kristina Peterson and Byron Tau, The Wall Street Journal

A long-brewing fight over former Rep. Scott Garrett's candidacy to lead the Export-Import Bank, an agency he has twice voted to shut down, will come to a head this week when he testifies in front of a Senate panel reviewing his nomination. President Donald Trump's decision to nominate Mr. Garrett, a New Jersey Republican who served seven terms in the House before losing last November, has revived an internal GOP debate over the Ex-Im Bank's effectiveness.

How Voters View 2018's Most Vulnerable Senators A Year Out

Eli Yokley, Morning Consult

Three Democrats viewed as vulnerable to re-election challenges next year have managed to hit above 50 percent approval in their home states, according to the new Morning Consult Senator Approval Rankings - bucking the larger trend in the Senate, where 65 members ended the third quarter at or below 50 percent approval. The three senators - Heidi Heitkamp of North Dakota, Joe Manchin of West Virginia and Jon Tester of Montana - hail from states President Donald Trump won in 2016, just like the other Democratic senators seen as vulnerable.

House

House Panel's Talk of Phased-in Tax Cut Counters Trump's Wishes

Jennifer Jacobs and Anna Edgerton, Bloomberg

House tax writers are discussing a gradual phase-in for President Donald Trump and Republican leaders' proposed corporate tax-rate cut - on a schedule that would put the rate at 20 percent in 2022, according to a member of the chamber's tax-writing committee and a person familiar with the discussions. The phase-in plan is under discussion, but isn't yet final, said a member of the House Ways and Means Committee, who asked not to be named because the discussions are private.

"Nothing Is Going To Derail What We're Doing In Congress," Says Paul Ryan

Henry J. Gomez, BuzzFeed News

Nothing will keep Speaker Paul Ryan from talking about tax policy, not even the indictment of President Trump's former campaign chairman. Ryan called in Monday for a scheduled interview with Jerry Bader of WTAQ in Green Bay, Wisconsin.

Pelosi Backs Feinstein in California Senate Race **Bridget Bowman, Roll Call**

House Minority Leader Nancy Pelosi announced Monday she is endorsing Democratic Sen. Dianne Feinstein in her bid for a fifth term. California State Senate President Kevin de León, a Democrat, announced recently he would challenge Feinstein.

States

West Virginia Governor's Switch to GOP Yet to Pay Political Dividends

Cameron Easley, Morning Consult

As a bruising budget standoff over the first six months of 2017 dented West Virginia Gov. Jim Justice's popularity, his decision to leave the Democratic Party did little to help the situation, according to the most recent Governor Approval Rankings from Morning Consult. Justice, who announced at an Aug. 3 rally with President Donald Trump that he was returning to the Republican Party, posted the largest net slide (minus 22 percentage points) in approval rating of any U.S. governor from the second quarter to the third quarter of 2017.

Gillespie emphasizes common background with Rubio as protesters call him racist

Jenna Portnoy, The Washington Post

Outside a rally for Ed Gillespie with Sen. Marco Rubio Tuesday night in Loudoun County, immigrant rights activists labeled the Republican candidate for governor racist for a campaign that they say scapegoats immigrants. Inside, surrounded by supporters, Gillespie talked about how much he has in common with Rubio (R-Fla.), a 2016 candidate for president popular in the northern Virginia suburbs, and fellow child of immigrants.

How the Kochs are trying to shake up public schools, one state at a time

Kimberly Hefling, Politico

With school choice efforts stalled in Washington, the billionaire Koch brothers' network is engaged in state-by-state battles with teachers' unions, politicians and parent groups to push for public funding of private and charter schools. One of the newest campaigns is the Libre Initiative, a grassroots drive targeting Hispanic families in 11 states so far, under the umbrella of the Charles and David Koch-funded Americans for Prosperity, a powerful conservative and libertarian advocacy group.

In the Heart of 'The Resistance,' California Conservatives Are Invigorated

Jeremy W. Peters, The New York Times

California conservatives are feeling a strange sense of invigoration these days. Yes, they are vastly outnumbered, shouted off college campuses and scolded that their way of politics is an anachronism in this bright blue bulwark of the liberal resistance.

Missouri groups try again to get medical marijuana on the ballot

Jack Suntrup, St. Louis Post-Dispatch

Proponents of legalizing marijuana for medical use say 2018 is the year for Missouri. Public opinion has shifted.

Advocacy

Google's Dominance in Washington Faces a Reckoning

John D. McKinnon and Brody Mullins, The Wall Street Journal

Google's parent company, Alphabet Inc., made a big bet on Hillary Clinton winning the 2016 presidential election. Employees donated \$1.6 million to her campaign, about 80% more than the amount given by workers at any other corporation, and Executive Chairman Eric Schmidt helped set up companies to analyze political data for the campaign.

A Message from the National Association of Broadcasters:

Former FEMA head Craig Fugate has said activating FM radio in smartphones would "ensure if all else fails, you can still get information from broadcasters" during times of emergency.

Likewise, a recent Morning Consult survey reveals that 79 percent of Americans are likely to listen to FM radio on their smartphones for breaking news and updates when internet or mobile connectivity are unavailable due to an emergency. [Find out more.](#)

Opinions, Editorials and Perspectives

Multi-Pronged Approach Needed in Opioid Fight **Rep. Fred Upton and Rep. Tim Walberg, Morning Consult**

The opioid crisis is one that truly knows no bounds. It affects so many of us in different and profound ways.

The Manafort Indictment **The Editorial Board, The Wall Street Journal**

Special Counsel Robert Mueller indicted former Trump campaign chairman Paul Manafort for tax fraud on Monday, and the main charge against Donald Trump is poor judgment for hiring the notorious Beltway operator. The indictment accuses Mr. Manafort (and business partner Richard Gates) of funneling money from a pro-Russia party in Ukraine into offshore shell companies and bank accounts.

Manafort's Indictment Is a Wakeup Call for K Street **Joshua Ian Rosenstein and Joseph E. Sandler, Politico**

Monday's 12-count indictment filed against former Trump campaign chair Paul Manafort and his colleague Rick Gates was stunning for a number of reasons: its breadth; the scope of the alleged criminal activity; and, of course, the fact that underpinning much of the indictment are facts demonstrating willful and knowing violations of the Foreign Agents Registration Act, or FARA. The indictment likely means that after many years of lax enforcement, the requirements of this law will finally be taken seriously by the hundreds of law firms, lobbying shops and media relations companies that fall under its purview.

Mueller's Investigation Won't Shake Trump's Base **David French, The New York Times**

On Monday, nothing changed. If you live, as I do, in the heart of Trump country, you know there is no chance that the indictment of Donald Trump's ex-campaign chairman Paul Manafort, or the guilty plea of a former foreign policy adviser, George Papadopoulos, will alter our political dynamics.

A Message from the National Association of Broadcasters:

Among major smartphone manufacturers, only Apple does not activate FM radio in its smartphones. Yet, according to a Morning Consult poll, Americans overwhelmingly believe Apple should voluntarily activate FM reception in their devices by a five-to-one margin. [Find out more.](#)

Research Reports and Polling

America's Most and Least Popular Senators **Eli Yokley, Morning Consult**

Along with President Donald Trump's declining support across the country, approval ratings for nearly all senators went down in their home states during the third quarter. The period overlapped with several unsuccessful Republican-led attempts to repeal the Affordable Care Act.

America's Most and Least Popular Governors **Cameron Easley, Morning Consult**

The latest installment of Morning Consult's Governor Approval Rankings - a survey of more than 255,000 registered voters nationwide conducted online from July 1 to Sept. 30 - features a shuffling at the top and bottom,

along with a debutant on the list and a new entrant in the highest ranks. Margins of error vary by state.

Democrat Holds 17-Point Likely Voter Lead In Virginia,
Quinnipiac University Poll Finds; Small Gender Gap, Huge
Racial Gap
Quinnipiac University

With overwhelming support from non-white voters and double-digit leads among both men and women, Democratic Lt. Gov. Ralph Northam holds a 53 - 36 percent likely voter lead over Republican Ed Gillespie in the Virginia governor's race, according to a Quinnipiac University poll released today. Libertarian Party candidate Cliff Hyra has 3 percent.



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To: Rep93
Subject: Ties To Oligarchs Make Manafort Flight Risk, Mueller Says

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Wednesday, November 1, 2017



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TOP NEWS

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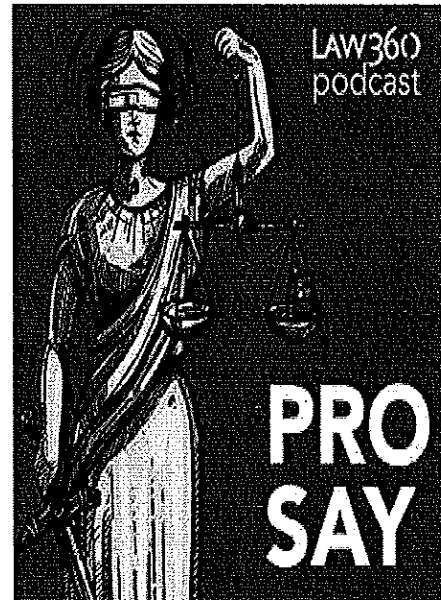
Ties To Oligarchs Make Manafort Flight Risk, Mueller Says = 9

Special counsel Robert Mueller's office portrayed Paul Manafort and his business partner Rick Gates as significant flight risks in a court filing Tuesday, pointing to the pair's extensive overseas connections to support strict release conditions. [Read more »](#)

= 9

GOP Tax Plan Rollout Delayed Until Thursday

Republicans in the U.S. House of Representatives will not release the party's tax reform proposal on Wednesday as anticipated because House Ways and Means Committee party members were unable to finalize the bill's



[Listen to our new podcast here](#)

LAW FIRMS
Akin Gump

details, Committee Chairman Kevin Brady said on Tuesday night. Read more »

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Senate OKs Trump Pick For Seventh Circuit Seat

The Senate approved President Donald Trump's pick to fill a vacancy on the Seventh Circuit on Tuesday, following partisan furor over questions concerning the soon-to-be judge's Catholic faith. Read more = 2

= 9

Analysis

One Year Later: How Trump Has Changed Telecom Policy

President Donald Trump's victory last November set a radical new trajectory for communications policy, reversing course on Obama-era initiatives including net neutrality and charting a deregulatory future for telecommunications policy. Read more »

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Puerto Rico To Revise Fiscal Plan In Wake Of Hurricane Maria

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The federal board charged with shoring up Puerto Rico's finances and restructuring its debts said Tuesday that a revised fiscal recovery plan will be put together over the coming months to account for a new reality in the wake of widespread devastation caused by Hurricane Maria. Read more »

Partisanship, Not Money To Decide Pa. Judicial Elections

Following a money-laden 2015 campaign that shattered national and state records for judicial elections, the fight to fill seven seats on Pennsylvania's appellate courts in November is likely to turn not on fundraising, but rather on external factors like party politics that have little to do with the candidates themselves. Read more »

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Arnold & Porter Kaye Scholer

Baker Botts

Belin McCormick

Bracewell

Crowell & Moring

= 9

Davis Polk

= 9

Davis Wright Tremain

Eckert Seamans

= 9

Farrell & Reisinger

Gaskins Bennett

Greenbaum Rowe

Haynes and Boone

Hedberg & Boulton

= 9

Hobbs Straus

Hogan Lovells

Hogen Adams

Holland & Knight

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Husch Blackwell

Irell & Manella

Jenner & Block

Jones Day

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King & Spalding

Kobre & Kim

Latham & Watkins

McDermott Will

McNelly & Goldstein

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Norton Rose Fulbright

O'Neill & Borges

Pashman Stein

BANKING & SECURITIES

Texas Rep. Jeb Hensarling Won't Seek Re-Election

Jeb Hensarling, the Texas-Republican who chairs the House Financial Services Committee, said Tuesday he would not seek re-election in 2018. [Read more »](#)

ENERGY & ENVIRONMENTAL

= 9

EPA Says No Agency Grants For Science Committee Members

U.S. Environmental Protection Agency Administrator Scott Pruitt on Tuesday said that in an effort to avoid conflicts of interest, no member of one of the agency's scientific advisory committees may receive an EPA grant while serving in that role. [Read more »](#) = 9

Analysis

Dynegy, Calpine Deals Signal Power Producer M&A Surge

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A pair of recent megadeals that will see Dynegy Inc. and Calpine Corp. exit the independent power producer stage signals a wave of consolidation about to hit a sector struggling with flat electricity prices and the growing impact of state clean-energy policies on regional wholesale electricity markets, experts say. [Read more »](#)

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Proposed Delaware River Fracking Ban Slammed At Hearing

Members of Pennsylvania's business and agricultural communities told Republican lawmakers during a hearing on Tuesday that a proposed ban on hydraulic fracturing inside the Delaware River basin threatens to rob landowners of their rights and close the door

Paul Hastings

Polsinelli

Proskauer Rose

Reed Smith

Skadden

Stephoe & Johnson LLP

Troutman Sanders

Walder Hayden

WeirFoulds LLP

Wiley Rein

WilmerHale

COMPANIES

AT&T Inc.

Access Industries Inc.

American Bar Association

American Civil Liberties Union

American Federation of State,
County and Municipal Employees

Apple Inc.

Bank of America Corporation

Boehringer Ingelheim

= 9

Boston Scientific Corporation

CSX Corporation

California Independent System
Operator

Calpine Corporation

Center for American Progress

Citadel LLC

DISH Network Corporation

Dentsply Sirona Inc.

DraftKings Inc.

Dynegy Inc.

Electric Reliability Council of Texas
Inc.

Energy Capital Partners LLC

Equifax Inc.

Express Scripts, Inc.

on much-needed economic growth in the region. Read more »

= 9

HEALTH & LIFE SCIENCES

Menendez Jury Instructions Crafted With Eye On McDonnell

A New Jersey federal judge pored over jury instructions with counsel Tuesday in the bribery trial of Sen. Bob Menendez and a Florida ophthalmologist to ensure the instructions reflect the U.S. Supreme Court's landmark McDonnell decision, saying he was the first trial court to do so in the wake of the high court ruling. Read more »

MEDIA & ENTERTAINMENT

= 9

Social-Media Cos. Will Seek To Block Foreign Political Ads

Representatives from the world's biggest online social media companies Tuesday told a Senate panel they are working to improve their ability to identify and block efforts by foreign entities to influence political discourse in the U.S. while boosting transparency requirements for political advertisements. Read more »

EMPLOYMENT

= 9

Iowa Union Loses Suit Over Collective Bargaining Law

A union representing public sector employees in Iowa had its suit challenging the state's sweeping new law curtailing collective bargaining rights for most public workers tossed on Monday when a judge said the law does not violate the state constitution's equal protection clause. Read more »

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Facebook

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Faculty Athletics Representatives Association

Financial Industry Regulatory Authority Inc.

Goldman Sachs Group Inc.

Google Inc.

HSBC Holdings PLC

Hyatt Hotels Corporation

Immigrant Legal Resource Center

Instagram Inc.

JPMorgan Chase & Co.

Kinder Morgan

Major League Baseball Players Association

Marriott International Inc.

McKinsey & Company

National Immigration Law Center

New York State Bar Association

Oxford University Press Ltd.

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PHH Corporation

PepsiCo Inc.

Planned Parenthood Federation

The Boeing Company

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Twitter Inc.

U.S. Energy Corp.

Uber Technologies Inc.

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Verizon Communications

Virginia State Bar

Wells Fargo & Co.

YouTube Inc.

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GOVERNMENT AGENCIES

Alabama Department of Revenue

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NJ State Police Ordered To Reveal Troopers' Pay Info

A New Jersey judge on Monday ordered the state police to turn over troopers' pay stubs and overtime records sought by government transparency advocates, ruling that the delays, withholdings and redactions that plagued the request ran afoul of the state's open public-records law. = 9 Read more »

PRIVACY & CYBERSECURITY

Trump's National Security Pick Pushes Back On Intel Warrants

President Donald Trump's pick to lead the National Security Division of the U.S. Department of Justice criticized potential new restrictions on already collected government-intelligence, arguing at a Senate hearing Tuesday that warrant requirements could slow down or halt critical investigations. Read more »

AEROSPACE & DEFENSE

Grassley Asks DHS To Cut Immigration Protection Program

Sen. Chuck Grassley, R-Iowa, asked the U.S. Department of Homeland Security on Tuesday to curtail a program that shields immigrants from forced return to extreme, adverse conditions, arguing the program allows what was meant to be a temporary protected status to extend for years or even decades. Read more »

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DOD Keeping More Afghan Force Info Secret, Watchdog Says

The U.S. Department of Defense has begun to classify previously public information on the performance and strength of Afghan forces, a

Bay Mills Indian Community
Bonneville Power Administration
Bureau of Land Management
Consumer Financial Protection Bureau
Delaware River Basin Commission
Department of Commerce
European Union
Executive Office of the President

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Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Hualapai Tribe
Internal Revenue Service
Minnesota Department of Commerce

NATO

National Aeronautics and Space Administration

National Economic Council

= 9

National Oceanic and Atmospheric Administration

National Park Service

= 9

National Telecommunications and Information Administration

Navajo Nation

Oglala Sioux Tribe

Pawnee Nation of Oklahoma

Pennsylvania General Assembly

Securities and Exchange Commission

Social Security Administration

move a government watchdog said Monday would hinder its ability to report on a key aspect of the war-torn country's reconstruction. [Read more »](#)

INTERNATIONAL TRADE

Analysis

US Lights Spark That May Set Off China Powder Keg At WTO

By refusing to certify China as a market-driven economy in a new trade spat over aluminum foil, the Trump administration has taken perhaps its boldest stance yet against Beijing, teeing up a conflict likely destined for a calamitous World Trade Organization showdown between the two juggernauts. [Read more »](#)

TAX

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Koskinen Stresses Continued Focus On IT Upgrades At IRS

The ideal candidate to lead the Internal Revenue Service is someone who can effectively oversee information technology projects, in addition to managing about 80,000 employees, the agency's outgoing head, John Koskinen, said on Tuesday. [Read more »](#)

= 9

White House Says No To Corporate Tax Cut Phase-In

The Trump administration is not in favor of phasing in the proposed cut to the corporate tax rate, a strategy that would avoid abruptly lowering the rate from 35 percent to 20 percent, the president and his top spokeswoman said Tuesday. [Read more »](#)

Advisory To EU Court Questions Reach Of Dutch Tax Scheme

A Netherlands law that treats Dutch corporations and their subsidiaries as a single

Special Inspector General for Afghanistan Reconstruction

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

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U.S. Department of State

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

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U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

United Nations

World Trade Organization

tax entity if they're located within the nation's borders should also apply when affiliates are in a different country, but only in certain cases, according to an opinion submitted to the European Union's top court. [Read more »](#)

Injunction Bid Shelved On Borrowing From Pa. Liquor Agency

A Pennsylvania advocacy group withdrew Tuesday its bid for a preliminary injunction to stop the governor from borrowing \$1.25 billion against the state Liquor Control Board's future earnings to balance the state budget amid reports he was backing off the proposal. [Read more »](#)

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TELECOMMUNICATIONS

NTIA Warns Against Jolting Agencies In Broadband Push

The National Telecommunications and Information Administration expressed support for Federal Communications Commission efforts to accelerate broadband deployment, but said it had to factor implications for federal agencies reliant on older technologies. [Read more »](#)

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FCC Urges 8th Circ. To Uphold Charter VoIP Exemption Ruling

The Federal Communications Commission has urged the Eighth Circuit to uphold a decision finding that Charter Advanced Services LLC's Voice over Internet Protocol service should be classified as an information service exempt from state regulation, arguing that a reversal would threaten to disrupt the national voice services market. [Read more »](#)

IMMIGRATION

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Trump Urges 4th Circ. To Pause Halt To Travel Ban

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The Trump administration urged the Fourth Circuit on Monday to enter an emergency pause on a Maryland federal court's order that halted the government's latest attempt to bar nationals of several predominantly Muslim countries from traveling to the U.S. [Read more »](#)

= 9

Asylum-Seeker Asks High Court To Review 7th Circ. Rejection

An Ethiopian citizen who admits to financially backing a militant group in her home country has asked the U.S. Supreme Court to review a Seventh Circuit decision to deny her asylum that was in part based on evidence the appellate court found on the internet. [Read more »](#)

= 9 WHITE COLLAR

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Ex-Pa. Treasurer Gets Probation For Lying To Investigators

A former Pennsylvania treasurer was sentenced to 36 months of probation on Tuesday for lying to federal investigators about payments her consulting company received from a businessman with financial ties to entities that provided services to the state treasury. [Read more »](#)

PEOPLE

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Trump's Social Security IG Pick Reveals \$2M From WilmerHale

President Donald Trump's pick for inspector general of the Social Security Administration earned just over \$2 million since the start of 2016 as a securities and regulatory affairs partner at WilmerHale, according to a financial

disclosure form obtained Tuesday. Read more »

EXPERT ANALYSIS

= 9

Increased FARA Enforcement May Lie Ahead

The indictment of Paul Manafort and Richard Gates on Monday brings into focus a federal statute not often employed by prosecutors. The Foreign Agents Registration Act, once a little-known law, is now front and center in the national media, say Daniel Pickard and Madeline Cohen of Wiley Rein LLP. Read more »

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It's Up To EPA, Congress To Act On Commerce Reg Reforms

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The U.S. Department of Commerce recently recommended significant revisions to environmental regulatory and permit programs. But these changes are within the purview of Congress and the U.S. Environmental Protection Agency. Time will tell whether the outcome will be a few easy fixes, comprehensive recasting of existing programs or something in between, says Charles Merrill of Husch Blackwell LLP. = 9 Read more »

= 9

Defending The National Historic Preservation Act: Part 2

Tribal consultation pursuant to the National Historic Preservation Act can and should be a collaborative process. Tribes should not be fearful of collaborating with project proponents, and federal agencies must allow for new strategies that are best suited to the proposed project, say attorneys with Chestnut Law Offices PC and Hobbs Straus Dean & Walker LLP. Read more »

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Series

Judging A Book: McConnell Reviews 'Unequal' = 9

As widespread claims of sexual misconduct continue to surface in the entertainment industry and beyond, a discussion of how judges treat workplace discrimination cases may be particularly timely. Here, U.S. District Judge John McConnell reviews the book "Unequal: How America's Courts Undermine Discrimination Law," by professors Sandra Sperino and Suja Thomas. = A Read more » = A

LEGAL INDUSTRY

Female Attys Have Little Faith In Diversity Efforts, Study Says

Despite numerous programs aimed at reducing bias in hiring and promotion, law firms are still struggling when it comes to gender equality, and a new study released on Monday found that most female lawyers have little faith in their law firm's gender diversity efforts. Read more » = 9

Ex-Crowell & Moring Chair Makes Move To Bracewell In DC

The former chair of Crowell & Moring LLP is joining Bracewell LLP's Washington, D.C., office as a partner in the firm's burgeoning government contracts practice, Bracewell announced Tuesday. Read more »

Analysis

Atty Speech Debate Roils Ontario Regulator's Diversity Rule

A new requirement for Ontario lawyers to adopt a so-called "statement of principles" on their duty to promote equality and diversity has sparked a call for resistance from some attorneys and heated accusations that regulators want to use a threat of professional discipline or disbarment to police lawyers' beliefs. Read more »

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Analysis

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How Young Native American Attys Can Find The Right Firm

Native American attorneys looking to launch a career in federal Indian law and tribal law should seek out firms that offer them a chance to get a broad range of experience and know how to cultivate young talent, say lawyers who've been in their shoes. Here, seasoned Native American attorneys lay out the most important factors in choosing the best place to start their professional journey. Read more »

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= 9 Va. Poised To Deem Atty-Matching Sites Like Avvo Unethical= A

= 9 Attorney-client matching services such as Avvo Legal Services do not comply with Virginia's attorney ethics rules, the Virginia State Bar's Standing Committee on Legal Ethics has determined. Read more »

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= 9 The Top In-House Hires Of October

October's notable legal department hires include a new chief legal officer at Uber, a former assistant U.S. attorney as the Major League Baseball Players Association's assistant general counsel and a top lawyer at KPMG. Read more » = 9

Series

My Supreme Court Debut: 1 Final Sentence

The exhilaration (and relief) I felt when returning to my seat after my first argument before the U.S. Supreme Court is an experience that I now try to replicate whenever possible. It makes the weeks of agonizing preparation worthwhile. And it reminds me why I love what I do, says Melissa Arbus Sherry of Latham & Watkins LLP. Read more »

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From: State Legislators' Article V Caucus
Sent: Wednesday, November 1, 2017 12:50 PM
To: Rep93
Subject: One Man Made the 27th Amendment Possible

= A

[View this email in your browser](#)

STATE LEGISLATORS
ARTICLE V
CAUCUS

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Newsletter - Edition 58 November 2017

Providing Article V / Federalism News and Scholarly Resources Since 2013

This month...

- **One Man's Efforts Led to the 27th Amendment**
- **Phoenix Correspondence Commission Is Being Organized**
- **The Federal Debt Has Increased for 60 Straight Years**
- **US House Clerk's Article V Listings Still Incomplete**
- **ALEC 'States & Nation Policy Summit' Set for Dec. 6-8**
- **CoSP Reports it Now Has 3 Million Supporters**
- **A Winning Strategy for State Legislative Candidates**
- **Will New York State Hold a Constitutional Convention?**

State Legislators' Article V Caucus is a non-profit organization. All contributions are tax-deductible. For more information, please contact us at info@articlevcaucus.org. We are currently seeking experienced writers to help us produce our newsletter. If you are interested, please email us at info@articlevcaucus.org.

- **Rob Natelson Releases New Article V-related Policy Brief**
- **New Book: Fiscal Rules to Limit Federal Deficit Spending**
- **Congressional Term Limits are On Their Minds**
- **Act 2 Refined... Another Proposal for Using Article V**

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One Man's Efforts Led to the 27th Amendment –

It's a story that few know. One person's grassroots perseverance can... and did... make a difference.

One Constitutional scholar refers to Gregory Watson as "the 'step-father' of the 27th Amendment". In 1982, as a 19-year-old sophomore at University of Texas-Austin, Watson wrote a paper on a proposed Constitutional amendment that James Madison had authored in 1789 along with a package of amendments which became known as the Bill of Rights. The extra amendment, prohibiting a sitting Congress from raising its own wages during its current session, had never been ratified by a sufficient number of states.

Watson's paper suggested that Madison's proposal could still be ratified since it was proposed with no time limit for ratification. His professor thought the idea was unreasonable, and gave him a C on the paper. Convinced that Madison's proposal had merit and could still be ratified, Watson launched his own personal self-financed campaign to get the nearly two dozen additional needed state legislatures to ratify the forgotten proposition.

Mr. Watson still lives in Texas and has offered his services to the BBA Task Force to help shepherd the BBA effort to completion. What are needed are a few more state legislators and grassroots citizen activists to demonstrate Watson-like "heroic citizenship."

Shortly after the Phoenix BBA Planning Convention concluded, Arizona State Rep. David Stringer wrote a report for **PrescottNews.com**. Headlined ***Witness to History***, the Stringer piece said the *“Phoenix Convention marks an historic effort by the states to use their powers under Article V of the federal Constitution to stave off the day of reckoning.”*

Pointing out how the federal government finances a large percentage of the national government with borrowed money Stringer said, *"The persistence of these circumstances has convinced many state legislators, myself included, that our national government is on a collision course with economic reality. Left unchecked, our growing national debt will destroy our economy, impoverish our people and threaten our existence as a sovereign nation."* The Stringer op-ed can be read [HERE](#).

One of the main accomplishments of the Phoenix Convention was creation of what the delegates dubbed the **Phoenix Correspondence Commission (PCC)**. While still being organized, the PCC is to consist of commissioners appointed by state legislatures to (a) create a single point of contact to act as a liaison with Congress, (b) track all applications for a convention for proposing amendments, (c) create a process to suggest a time and place to Congress for a convention for proposing amendments, and (d) to foster communication between the states on all matters relating to an Article V convention of states.

Arizona State Rep. Anthony Kern, Utah State Rep. Ken Ivory, Phoenix Convention Secretary David Guldenschuh and Phoenix Convention President (AZ Rep.) Kelly Townsend are currently working on a proposed organizational statement of purpose and other organizational documents for the new PCC. They hope to contact all the Phoenix Convention commissioners to provide an update and request feedback during November.

The Federal Debt Has Increased for 60 Straight Years –

According to official numbers published by the U.S. Treasury, as of 10-23-2017 total federal US debt stood at \$20,435,639,346,821.03. That makes fiscal 2017 the 60th year in a row that the federal government has increased this nation's debt. (Source [HERE](#).)

On October 4 **CNSNews.com** Editor-in-Chief Terence P. Jeffrey wrote a piece noting that *"The last fiscal year in which the federal debt declined was fiscal 1957."* His article includes a chart which documents the dramatic climb in America's indebtedness, along with exact year-by-year figures. See Jeffrey's article [HERE](#).

Meanwhile the **Peter G. Peterson Foundation** published a chart showing that if something is not done to stop the growth of federal debt, by 2050 the largest category in the federal budget will be interest on the debt. The chart suggests that by 2026 interest

expenses will surpass the budgets for Defense, and non-Defense discretionary spending. It projects that federal debt service costs will demand more money than Medicare, Social Security, Medicaid and money for Defense categories by 2050. See their chart [HERE](#).

The lead editorial in the October 11 **Wall Street Journal** recounted similar information, noting that during fiscal years 2016-17 the budget deficit grew by 3.5% of the national economy, during which time federal revenues grew by a mere 1%. They suggest “*deficits will explode without faster growth*”. Sadly, the editorial made no comment about the simultaneous need for restraint in federal spending.

A recent article in **The Hill** (covering the Phoenix BBA Planning Convention) underscored this reality. Under the heading ***If Washington fails to fix America’s debt crisis, states will take action***, the writers reported, “*By the end of 2016, [federal] debt stood at nearly 106 percent of GDP, a level rivaled only by the years 1945 to 1947.*” That article also said, “*If Washington doesn’t come up with real solutions to our federal debt, expect state-based efforts like those being discussed in Arizona to continue to gain traction.*” Read The Hill article [HERE](#).

Another **The Hill** article states, “*The deficit is at \$20 trillion. The debt-to-gross domestic product ratio is over 100 percent, a point where economies begin to fail.” Read it [HERE](#).*

US House Clerk’s Article V Listings Still Incomplete –

In January 2015, under the leadership of US Rep. Steve Stivers, the US House adopted an Article V-related House Rule. The Rule, renewed in 2017, created a system for the U.S. House of Representatives to track, document and count the number of incoming Article V convention petitions from state legislatures.

As of October 21, 2017 the House Clerk’s web site included 159 listings going back to

1960. Only 20 of the applications submitted by state legislatures since 2000 are included on the site. That includes 14 of the Balanced Budget Amendment (BBA) applications, but does not include Arizona. Only 7 of the 12 Convention of States Project (CoSP) applications submitted during that time are shown.

= ATo track the applications listed by the US Clerk's office, click [HERE](#).

ALEC 'States & Nation Policy Summit' Set for Dec. 6-8 –

The **American Legislative Exchange Council (ALEC)** will host its 2017 'States & Nation Policy Summit' in Nashville, TN this year. There will again be an emphasis on the need for an Article V convention of states.

One of the speakers will be former Virginia Attorney General Ken Cuccinelli who will talk about how states can address the growing national debt through the use of Article V. Cuccinelli made a similar... rousing? presentation at the September convention of states in Phoenix. Other speakers will include Larry Ludlow, Steven Moore, Steve Forbes and Art Laffer.

Andrew Rodney of **Debate 28, LLC** is in the process of producing an 86-minute documentary on how Americans are being harmed by the nation's heavy federal governmental indebtedness. Footage for that documentary, tentatively titled **"Balance of Power"**, was shot at the Phoenix BBA Planning Convention. Mr. Rodney will be showing a brief "teaser" segment of the yet-to-be-finished documentary at the December ALEC convention. He expects the finished product will be shown sometime next year on PBS television, and possibly other outlets.

For more info about the ALEC Nashville event, click [HERE](#).

A few weeks ago Karla Jones, Director of the ALEC Task Force on Federalism and

International Relations, gave a presentation about Article V to the Tennessee Senate Judiciary Committee.

Her entire presentation, entitled, ***“Creating Rules of Procedure to Govern a Convention for Proposing Amendments Pursuant to Article V of the U.S. Constitution”*** can be read [HERE](#).

CoSP Reports it Now Has 3 Million Supporters –

The **Convention of States Project (CoSP)** has reported that it now has three million grassroots supporters nationwide. That count is based on the number of activists and pledge signers that the organization has racked up in its 4-year-old existence.

“The time is now for bold action and rock-solid leadership, something missing from Congress, but found in millions of citizens rising up to restore their power by using the Constitutional solution found in Article V,” said Mark Meckler, co-founder of the Convention of States Project.

Meanwhile **Townhall.com** and **ConservativeReview.com** reported that CoSP received what both sites headlined as **“Another Big Endorsement”**, Conservative pundit Ben Shapiro. Commenting on Shapiro's support, Meckler said, *“I think he's one of the smartest guys commenting on politics today ... I think he has a really unique voice because he's so much younger than most commentators. He really speaks to Millennials.”*

Shapiro is reported to have said, *“I absolutely support the Convention of States Project, designed for fulfilling the Constitutional methodologies for protecting our rights. Article V exists so that the people have the final say, not the federal government.”*

Read the Townhall piece [HERE](#), and the ConservativeReview article [HERE](#).

= In recent weeks the CoSP effort has seen some progress. In Michigan the House Committee on Government Operations passed the CoSP resolution (HJR V) and referred the measure for second reading in the House. In Nebraska, State Sen. Steve Hallor spoke at a town hall meeting in support of the CoSP resolution which he introduced (LR6) earlier this year... in an attempt to round up the 2 or 3 remaining votes needed in the upcoming session.

In mid-October, **Catholic Online** published a piece about Texas voting to adopt the CoSP resolution. The author describes Article V as *"a safety feature, a check on the potential excesses of Congress contrary to the will of the citizens of this country."* Read the entire article [HERE](#).

A Winning Strategy for State Legislative Candidates –

Recently a former state legislator and Article V activist suggested a winning strategy for claiming or re-claiming a seat in any state legislature. If the candidate is willing to stand behind his/her words, when asked, *"Why are you running for the state legislature?"*... offer the following reply:

"The greatest threat to our liberty, and our country, is the Congress of the United States. Year after year, under Republicans or Democrats, it spends a trillion dollars it doesn't have. If it isn't forced to mend its ways we'll be bankrupt. Under the Constitution, there is only one control on Congress, and that is the state legislatures. Under Article V, if they act together, state legislatures can force it to balance the budget. So that's why I'm running for the state legislature. I want the states to intervene, as they have the right to do, and get the federal government under control. If you want something done about Congress, vote for me."

Okay, that may not be a winning strategy in every state. But candidates in every state should be cognizant of voter wishes in their district. Repeated polling has shown that in

most states 70-80% of voters have openly expressed support for a BBA, and most of them understand that such a Constitutional amend will never come from Congress.

Don't miss out on a winning strategy in your state.

Will New York State Hold a Constitutional Convention? –

This month New York voters will decide if they want to hold a constitution amending convention... a convention to consider amending their own state constitution. The NY constitution, adopted in 1846, mandates that voters be asked this question: *"Shall there be a convention to revise the constitution and amend the same?"* Fourteen state constitutions have similar provisions, effective in different years.

The question is on this year's ballot is known as "Proposal 1". It is the 13th time it has been asked. In all those years NY voters have said "Yes" to that question only 4 times, and only once said "Yes" to proposed amendments that came out of the resulting conventions.

Interestingly, the League of Women Voters (which opposes an Article V convention) is among the groups supporting a "Yes" vote on the NY question. If approved, the NY convention would open the entire state constitution to potential amendment proposals... unlike an Article V convention which would be restricted to the subject(s) for which it was called.

On October 7 voters in the state of Louisiana approved three amendments to their state constitution. Over the years that state has reportedly adopted 186 amendments to its constitution. According to the Public Affairs Research Council of Louisiana (PAR), a nonpartisan think tank based in Baton Rouge, 92 of those amendments have dealt with the state budget, taxes and other financial issues.

Rob Natelson Releases New Article V-related Policy Brief –

Acknowledged Article V expert and Constitutional scholar Rob Natelson has just released a new Policy Brief entitled: ***“Why the Constitution’s ‘Convention for Proposing Amendments’ Is a Convention of the States”***. Heartland Institute, where he serves as senior fellow in constitutional jurisprudence, published Natelson’s latest work.

The 28-page Brief is broken into 6 parts ranging from review of a related Supreme Court decision, to a detailed history of interstate conventions, to details on amendment ratification... and includes 10 pages of documentation/references. It is a publication every state legislator should read.

Natelson’s excellent Brief concludes, *“A convention for proposing amendments is a convention of the states. That conclusion is supported by history previous to the Constitution’s ratification, by numerous explicit and implicit statements from the Ratification Era, and by the constitutional design.”* Read it [HERE](#).

New Book: Fiscal Rules to Limit Federal Deficit Spending 50

Economists John D. Merrifield (University of Texas at San Antonio) and Barry W. Poulson (professor emeritus of economics at the University of Colorado) have just released their new book ***‘Restoring America’s Fiscal Constitution’***. The book offers *“clear, timely, and on point well-chosen fiscal rules that constrain and impose discipline on democratic government budget policies...”* according to Marvin Phaup of George Washington University.

Another reviewer, Randall G. Holcombe of Florida State University, says, *“Merrifield and Poulson clearly show the fiscal challenges that lie ahead for the United States government, and drawing from experience—both good and bad— from Switzerland and*

other European countries, suggest a set of fiscal rules to limit deficit spending. Their ideas are both sensible and politically palatable. They provide a superb blueprint for fiscal reform."

The writers themselves (in an **Investor's Business Daily** commentary) say their book shows "*how fiscal rules could be designed to balance the [federal] budget and reduce debt to tolerable levels over a two-decade period.*" Read that piece [HERE](#).

Although the book focuses mostly on economic issues relating to the suggested new fiscal rules, the final two chapters '**A Roadmap to Restore America's Fiscal Constitution**', and '**Reopening the Constitutional Road to a Balanced Budget Amendment**' will be of special interest to advocates of an Article V BBA.

Published by Lexington Books, the new book can be purchased [HERE](#).

Congressional Term Limits are On Their Minds –

"Today's [US] Senate is populated with careerists: professional politicians. Such politicians can be more attuned to the interests of their donors than to those of their constituents," says Jon N. Hall in his "**Repairing the U.S. Senate**" article published during October by **American Thinker**.

Hall says, "*If we're ever to get term limits for Congress, the Constitution must be amended. Because the swampy careerists in Congress are never going to initiate such an amendment themselves, we'll probably need to have an Article V constitutional convention.*" Both the [Convention of States Project](#) and [U.S. Term Limits](#) are working on such a proposal.

Michael Betrus is a high school senior who runs **HighwireDaily.com**, his own news website and has been published by the **Washington Examiner** as well. Betrus recently

wrote an opinion piece entitled ***"Why Term Limits Are Needed to Make America Great Again"***. He opines *"The longer representatives and senators spend in Washington, the more out of touch they become with the rest of America."*

Read Hall's piece [HERE](#)... and the Betrus piece [HERE](#).

Act 2 Refined... Another Proposal for Using Article V –

Colorado resident Frank W. Keeney has spent the last several years observing the shortcomings of America's federal government, and brainstorming ways to fix the federal government. A few years ago he announced ***"Act 2 Blueprint"*** as his solution.

Keeney has refined his proposals into five suggested Constitutional amendments *"to Rejuvenate America"*. His proposals have more of a procedural focus, in contrast to the policy focus of other Article V efforts. He believes the timing is now right to launch a program to promote the Act 2 reform proposals, but being an older gentleman, he is looking to hire an Executive Director to move things forward.

The Act 2 Blueprint proposals are succinctly set forth in a Keeney-produced booklet which can be obtained by writing to him at Act2reform@gmail.com. Anyone interested in leading a new Article V movement based on the Act 2 Blueprint is also welcome to contact him at 303-932-9339.

Who Said It?

Talking to state legislators about the BBA-focused Article V effort
at the kick-off dinner for the Phoenix BBA Planning Convention,

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Ending the Environmental Protection Agency's 'Endangerment Finding'

In recent months, President Donald Trump and his EPA Administrator Scott Pruitt have concluded that the threat of catastrophic climate change was grossly exaggerated by the Obama administration and announced the end of the "war on coal." Instead of federal actions designed to destroy America's coal industry and drive up Americans' energy bills, the Trump administration instead is pursuing a strong pro-energy, pro-environment, and pro-jobs agenda. This includes dramatic steps to reverse some of the costly existing environmental policies imposed by previous administrations. ([Check out the Energy Freedom Score Card](#) for specific examples.)

One major remaining hurdle in the way of fixing America's energy policies is the Obama-era "Endangerment Finding." Issued by the EPA in 2009, it claimed that human emissions of carbon dioxide, as well as methane leaks from natural gas production and pipelines, cause dangerous global warming and pose an imminent danger to the health and wellbeing of Americans. Science proves none of these claims, which is why the Endangerment Finding warrants reconsideration by the EPA.

A task force at this week's American Legislative Exchange Council (ALEC) Summit debated a resolution, drafted by The Heartland Institute, calling for a review of the Endangerment Finding. Heartland's discussions with state legislators, as well as a straw vote of elected officials and conservative think tanks, found a majority of them supported the effort. But after corporate ALEC members, led by ExxonMobil and the Edison Electric Institute (EEI), stacked the meeting room with lobbyists and their well-funded allies in support of the Endangerment Finding, Rep. Piscopo (R-CT) and Heartland Research Fellow Bette Grande agreed to withdraw the resolution and resume consideration next year. (Read the [resolution to review the Endangerment Finding](#), the [coalition letter in favor of the resolution](#), and the [letter withdrawing the resolution](#).)

"This result is disappointing, but not surprising," said Heartland Institute President Dr. Tim Huelkamp, who served in the Kansas Senate for 14 years. "Big corporations like ExxonMobil and trade groups like EEI have long been members of the discredited and anti-energy global warming movement. They've put their profits and 'green' virtue signaling above sound science and the interests of their customers." While the final decision on the Endangerment Finding will be made by Administrator Pruitt, the effort would benefit greatly from support by the states.

Grande recently reexamined the endangerment finding and concluded it is "flawed." In a [Heartland Policy Tip Sheet](#), Grande wrote EPA's evidence is not backed by science and real-world observations. "Estimates of climate sensitivity to increased concentrations of carbon dioxide appearing in the scientific literature since 2009 have fallen steadily below the estimates used by EPA," Grande wrote.

Grande says policymakers should urge EPA to "reopen and review" the endangerment finding, and Congress should "pass legislation banning the regulation and taxation of carbon dioxide," which Grande says is "against the public good." Grande's conclusion are backed by earlier studies from [The Cato Institute](#) documenting that the EPA "refused to consider or ignored significant refereed science" and the [The Heritage Foundation](#) highlighting the excessive, massive cost borne by small businesses.

What We're Working On

Energy & Environment

Trump Administration Reverses Obama-Era Drilling Restrictions

In this story published by *Environment & Climate News*, H. Sterling Burnett, a senior fellow in environment and climate, reports the Department of the Interior (DOI) announced it plans to rescind a policy implemented under former President Barack Obama that placed large areas of public lands off limits for consideration of oil and gas leasing and development. DOI's policy shift was made in an effort to comply with President Donald Trump's executive order "Promoting Energy Independence and Economic Growth." Among the recommendations made in DOI's 44-page report, DOI proposes eliminating Obama-era mandates designed to prevent oil and natural gas development near areas the federal government says have high natural and cultural resource value. DOI announced it will end the policy by 2018 and will instead use individual resource management plans to guide where energy development will be permitted on public lands. [Read more](#)

Education

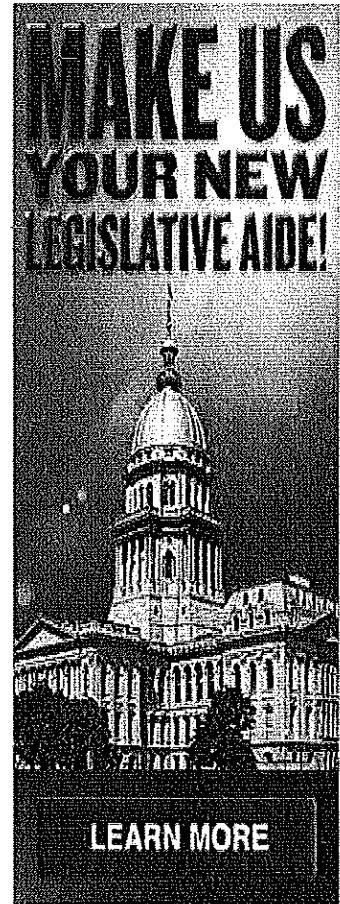
Research & Commentary: Financial Literacy Classes in K-12 Education

In this *Research & Commentary*, State Government Relations Manager Lindsey Stroud examines legislation proposed in several states that would mandate financial literacy coursework. Some of these states are considering bills that would include financial literacy courses as a graduation requirement, while others would direct their state education department to implement financial literacy courses in their K-12 curriculums. The National Conference of State Legislatures defines "financial literacy" as the focusing "on the specific knowledge and concepts consumers need to manage their money and build wealth." [Read more](#)

Budget & Tax

Research & Commentary: Cities and States Considering Increasing Tobacco Age Limit to 21, Regulating ENDS like Tobacco Products

State Government Relations Manager Lindsey Stroud looks at recent state and local efforts to enact legislation that would increase the age required to purchase tobacco and electronic nicotine delivery systems (ENDS) from 18 to 21. Stroud concludes such policies do not deter youth tobacco and nicotine consumption and that treating ENDS in a way that's similar or



POLICY NEWSPAPER

identical to tobacco products in legislation stifles tobacco harm reduction efforts. [Read more](#)

Health Care

Research & Commentary: Vermont's Certificate of Need Laws Punish Success

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines Vermont's certificate of need (CON) laws and how they hinder the growth of the state's health care market. Glans writes that Vermont has more disruptive CON laws than any other state; Vermont requires medical providers to seek permission from government to expand or add 30 different medical services. The national average is 14. [Read more](#)

From Our Free-Market Friends

Seven Things States Should Monitor in the Federal Tax Bill

Joseph Bishop-Henchman of the Tax Foundation examines the House and Senate tax bills and outlines seven key items state policymakers should be concerned about as the bills progress through the legislative process. [Read more](#)

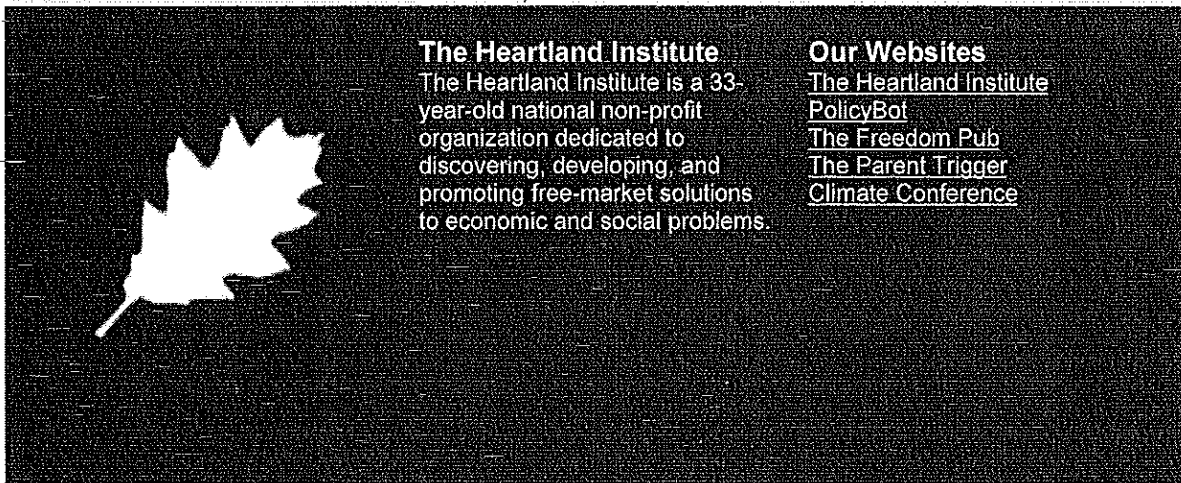


The December issue of *School Reform News* examines a *USA Today* poll finding millennials strongly support school choice. Ashley Bateman writes that this poll supports earlier research by the American Federation for Children which "found 75 percent of millennials support school choice." [Read more](#)

Environment & Climate News

Budget & Tax News

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Attached is a good [Townhall article](#) from a conservative (former law school Federalist Society chair) on why it makes sense to consider the National Popular Vote Compact.

As a former member of the California legislature and former National Chairman of ALEC, I've had an opportunity to discuss this issue with many of you. I just wanted to share this article for your consideration. Please feel free to email or call me with any comments and questions you may have. Thank you for your time and consideration.

Surprisingly, Republicans and Conservatives Shouldn't Fear a National Popular Vote

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By Rachel Alexander

Townhall

December 11, 2017

Republicans are hesitant to switch from our winner-take-all state laws allocating electors to the electoral college to using the National Popular Vote. The National Popular Vote Plan would award all of a state's electors to the candidate who wins the most popular votes in all 50 states. There is a fear that such a move will benefit Democrats, since

Democrats won the popular vote even though they lost the elections in 2000 and 2016. But the truth is, Republicans are likely going to lose their ability to win the necessary swing state of Florida in the future, and they can win the popular vote by campaigning differently.

The demographics of Florida are changing. More and more illegal immigrants are entering the country. Additionally, Puerto Ricans are flooding the country due to economic chaos and humanitarian crisis following Hurricane Maria at home. When they enter the U.S., because they are American citizens they can vote, and they vote overwhelmingly Democrat. Hillary Clinton had an almost three-to-one edge among Puerto Ricans in Florida last year. Both illegal immigrants and legal Puerto Ricans are counted in the census which is used for determining how many congressional seats and electoral votes Florida receives. This will soon result in an increase in Florida's electoral votes, which will lean more Democratic as increasing numbers of Puerto Ricans vote (this doesn't even take into consideration possible illegal immigrant voter fraud).

It is true that Democrats Al Gore and Hillary Clinton won the popular vote but lost the election. But those weren't true popular vote elections. The Republican candidates they lost to put all their efforts into a handful of swing states, and did a better job campaigning there than the Democrats. In contrast, Clinton's campaign unwisely campaigned in non-swing states such as Arizona, while ignoring the swing state of Wisconsin. If there was a true popular vote election, the Republican candidates would run a completely different type of campaign, likely focusing on mobilizing their base in rural areas and red states. Regardless, Republicans still won the popular vote in 2004.

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A presidential election using the National Popular Vote is not a radical proposal. Critics contend there would need to be a constitutional convention to amend the Constitution in order to change the state-based, winner-take-all rule that most states use to send their electors to the electoral college. This isn't necessary. The electoral college can remain. All the Constitution says about electing the president is in Article II, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...." In order to change the system, individual states would merely need to revise state law to send their electors based on the National Popular Vote for the presidential

candidates instead of winner-take-all. Currently, all states but two, Maine and Nebraska, have winner-take-all systems to send their electors to the electoral college.

Critics also claim that using the National Popular Vote in presidential elections would favor big cities over rural areas. This isn't correct. Only one-sixth of Americans live in the 100 biggest cities. In contrast, in the current unfair winner-take-all system, only a handful of states decide presidential elections, the swing states. The 10 most rural states aren't included, nor are 12 of the 13 smallest states. The winner-take-all system does not represent the vast majority of Americans. By the time voting results come in from key swing states, many voters on the West coast don't bother voting because their votes essentially don't count. This hurts minor candidates on the ballot in those states.

Under the current system, presidents shower pork on the swing states in order to get their votes. During the 2004 election, President Bush advocated for and got a trillion dollar expansion of Medicare in order to entice votes from the large population of senior citizens in Florida. Presidents take steps to help the coal industry in order to influence Pennsylvania, and the ethanol industry to help Iowa. Battleground states are twice as likely to receive exemptions from No Child Left Behind as fly-over states and twice as likely to have natural disasters declared.

There is another criticism that a rogue state secretary of state could frustrate the National Popular Vote Compact by refusing to certify the results. This is invalid, since plenty of federal and state laws prohibit that elected official from doing so.

Voter fraud will become more difficult under a National Popular Vote, because crooked party operatives will no longer be able to focus their efforts on just a handful of states, and the windfall of electoral votes for their illicit efforts will be smaller. For the same reason, it also reduces the possibility of recounts.

What did the Founding Fathers prefer? Not winner-take-all. The Founders debated various methods of the electoral college and almost adopted the proportional system at the Constitutional Convention. They never debated a winner-take-all system. As the states began to adopt winner-take-all, in order to ensure that their favorite sons like Thomas

Jefferson won, Missouri Senator Thomas Hart Benton warned in an 1824 Senate speech, "The general ticket system [winner-take-all], now existing in 10 States was ... not [the offspring] of any disposition to give fair play to the will of the people. It was adopted by the leading men of those states, to enable them to consolidate the vote of the State."

There are a significant number of prominent conservatives who understand what is taking place demographically so they support direct presidential elections. They include former congressmen Tom Tancredo (R-CO), Bob Barr (R-GA), former House Speaker Newt Gingrich (R-GA) and eight former national chairs of the conservative American Legislative Exchange Council.

So far, 11 states have passed laws implementing the National Popular Vote Compact, and it has passed in at least one chamber of 12 other state legislatures, four of which are red states. It will go into effect when enough states have passed it to total 270 electoral votes. When polled (by a left-leaning polling company), 74 percent of Americans support direct presidential elections. This breaks down to 75 percent among Republicans and 78 percent among Democrats. The left naively thinks direct presidential elections will benefit Democrats, assuming that large urban areas will decide elections. This bipartisan support means there is a good chance it will happen.

The purpose of the National Popular Vote bill is to make every voter in every state politically relevant in every presidential election. This is the only way to right size the political influence of battleground states. Clinging to the winner-take-all system is a losing strategy for Republicans. Under that system, they will likely lose Florida by 2020 or 2024 due to demographical changes. It is better to take our chances with a direct presidential election than suffer certain defeat with the unfair, outdated, flawed current system that can and should be reformed.

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Wednesday, December 13, 2017



BREAKING: 2 Trump Judicial Picks Unlikely To Clear Senate

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Two of President Donald Trump's federal judge picks — 4 Brett Talley in Alabama and Jeff Mateer in Texas — probably won't win Congressional approval, a White House aide and Senate Judiciary Chairman Chuck Grassley said Wednesday.

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